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Harvard College Library



FROM THE BRIGHT LEGACY

One half the income from this Legacy, which was received in 1880 under the will of

JONATHAN BROWN BRIGHT

of Waltham, Massachusetts, is to be expended for books for the College Library. The other half of the income is devoted to scholarships in Harvard University for the benefit of descendants of

HENRY BRIGHT, JR.,

who died at Watertown, Massachusetts, in 1686. In the absence of such descendants, other persons are eligible to the scholarships. The will requires that this announcement shall be made in every book added to the Library under its provisions.

L A W S
OF THE
STATE OF NEW YORK

PASSED AT THE
SESSIONS OF THE LEGISLATURE

HELD IN THE YEARS

1789, 1790, 1791, 1792, 1793, 1794, 1795 and 1796, inclusive,

*BEING THE TWELFTH, THIRTEENTH, FOURTEENTH, FIFTEENTH,
SIXTEENTH, SEVENTEENTH, EIGHTEENTH AND NINE-
TEENTH SESSIONS.*

REPUBLISHED BY THE SECRETARY OF STATE, PURSUANT TO
CHAPTER THREE HUNDRED AND FORTY-ONE OF THE LAWS
OF EIGHTEEN HUNDRED AND EIGHTY-FIVE.

VOLUME III.

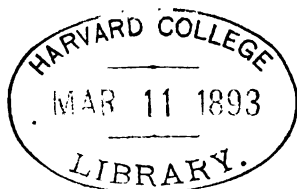


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1887.

US 15218.1.50

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Recd. Mar 11

CHAPTER 341.

AN ACT to provide for the publication of the session laws from seventeen hundred and seventy-seven to eighteen hundred and one, inclusive.

PASSED May 27, 1885; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Secretary of State is directed to republish, verbatim, preserving the original spelling and punctuation, the session laws of this State from seventeen hundred and seventy-seven to eighteen hundred and one, both inclusive. References showing when each law was amended or repealed, may be added.

§ 2. The republication shall be in octavo volumes of not less than six hundred or more than seven hundred and fifty pages each, with an index to each volume, and of a material equal in style and quality to the session laws of eighteen hundred and eighty-four.

§ 3. The edition shall consist of one thousand copies and shall be distributed as follows: One copy to each judicial district library; one copy to the clerk's office of each county; one copy to each justice of the supreme court, and each judge of the court of appeals; one copy to each legislative library, and each State department; two hundred copies to the trustees of the State library, for literary and scientific exchanges. The remainder shall be delivered to the trustees of the State library, and such trustees shall reserve sufficient copies for the future use of the State, and in their discretion sell the balance at a price to be fixed by them, and pay the proceeds into the treasury of the State.

§ 4. Six thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to carry this act into effect, and the same shall be paid by the Treasurer on the warrant of the Comptroller in such sums and to such persons as the Secretary of State shall approve. The work herein authorized shall not be begun unless it can be completed for the sum herein appropriated.

§ 5. The title page of each volume shall state that it was published pursuant to this act, and the same may be cited in any action or proceeding with the same force as the original edition.

§ 6. This act shall take effect immediately.

STATE OF NEW YORK,
Office of the Secretary of State, } ss.:

I have compared the preceding with the original law on file in this office, and do hereby certify that the same is a correct transcript therefrom and of the whole of said original law.

FREDERICK COOK,
Secretary of State.

STATE OF NEW YORK, }
OFFICE OF THE SECRETARY OF STATE, } ss.:

I hereby certify that the Laws, contained in this volume, were republished by me pursuant to chapter three hundred and forty-one of the Laws of eighteen hundred and eighty-five.

FREDERICK COOK,
Secretary of State.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE

TWELFTH SESSION OF THE LEGISLATURE OF SAID STATE.

CHAP. 1.

AN ACT for the more speedy recovery of legacies.

PASSED the 5th of January, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Actions for legacies against executors.
That it shall and may be lawful for any person, and his or her executors or administrators, to whom any legacy or bequest of any sum or sums of money, or other personal goods or chattles, or any residuary part of any personal estate hath been or may be given, by the testament or last will of any person, to commence sue and prosecute an action of debt, detinue or account, as the case may happen, for such legacy after it becomes due, in the supreme court, or any other court of record in this State; and if it shall appear or be found, that the legacy for which such suit shall be brought is due, and there be sufficient assets in the hands of the executors to discharge the debts of the testator, and the legacy or legacies bequeathed, the plaintiff shall recover such legacy; but in case there shall be assets to discharge all the debts of the testator, with an overplus, not amounting to a sum sufficient to pay all the legacies that may be given, then an abatement shall be made in proportion to the legacies so given, and the plaintiff shall recover only a proportional part of his or her legacy; and where any legatee is or shall be under the age of twenty one years, at the time such legacy shall become due, in such case every such legatee shall and may maintain an action for his or her legacy so given, by guardian or next friend, as fully and amply as by law he or she may do in any other action whatsoever.

Want of
assets to
pay lega-
cies, rule
in case of;
auditors.

And be it further enacted by the authority aforesaid, That the respective courts in which any such action shall be commenced or prosecuted, upon the plea of want of assets to pay all the debts and all the legacies, or when such suit is brought for a residuary part or proportion of any personal estate or goods, may appoint auditors to examine the accounts and the executors, which auditors after full hearing and examination thereof, at such time and place or times and places as by them shall be appointed, with notice to the executors and plaintiff, or their respective attornies, shall report how the accounts of the executors do stand, and how much assets will remain in their hands after payment of the whole of the debts, and what part of such remainder ought to go towards paying the demand of the plaintiff, if it is not sufficient to pay the whole; and the court shall thereupon give judgment, and award execution, for such sum as the plaintiff ought to recover. But if the plaintiff shall discontinue his suit, or become non suited, or judgment be given against him, or if nothing be found due to him, then the defendants shall have judgment to recover their costs of suit against such plaintiff. And in case the plaintiff shall recover only a part of his demand for want of assets to discharge the whole, then when such further assets come to the defendants hands, the plaintiff may have a resummons against the defendants, and recover the residue of the monies due to him or his proportion of such assets; and the court is hereby empowered upon the exception of either party, and hearing the parties, to correct and amend any mistakes or errors in such report or the accounts so reported.

Costs, to
whom
awarded.

And be it further enacted by the authority aforesaid, That the court in which any such action may be brought or prosecuted, shall upon consideration of the report of the auditors, and the accounts of the executors, and the nature of the action, and the proceedings therein, award the costs of the suit or of either party to be paid out of the testators estate, or by either of the parties, according to justice and equity; and in case the executors have been faulty in delaying to pay the legacy demanded, or a proportional part thereof, without sufficient excuse, then the court may award costs against the executors to be paid out of their own estate, any thing herein contained to the contrary notwithstanding.

When suit
may be
brought;
bond to
indemnify
executors.

Provided always, and be it further enacted by the authority aforesaid, That no such suit shall be maintained for any such legacy or bequest, until reasonable demand be made of the executor or executors who ought to pay the same, and an offer of two sufficient sureties to the said executor or executors, who if they shall think proper to except thereof, shall become bound to them the said executors, in double the sum of the said legacy, with condition that if any part, or the whole thereof, shall at any time after appear to be wanting to discharge any debt or debts, legacy or legacies, which the said executors may not have other assets to pay, then and in such case the said legatee will return the said legacy, or such part thereof as may be necessary, for the payment of the said debts, or for the payment of a proportional part of the said legacies; and if the said executors shall not think proper to accept thereof, then the said legatee shall file such bond, the same, and the securities being first approved of by the court, in the office of the clerk thereof before obtaining any process against the said executors, otherwise the same process shall abate; but where there are several legatees, and a return of part of the said legacy shall afterwards appear necessary, each legatee shall only be compelled to return a proportional part of his legacy, so as to make up the whole sum wanting

One year
allowed
executors

And be it further enacted by the authority aforesaid, That where no time in and by any testament or last will, is or shall be limited for the

payment of any legacy or legacies thereby given or bequeathed, then and in every such case, the executors shall have the space of one year to discharge the same; any law usage or custom to the contrary notwithstanding.

to pay legacies.

And be it further enacted by the authority aforesaid, That this act shall be construed and taken to extend to all persons to whom letters of administration have been or shall be granted with a will annexed, as fully to all intents constructions and purposes whatsoever, as if they were the executors named in such will.

Administrators with will annexed.

And be it further enacted by the authority aforesaid, That all persons who have or hereafter may have a right to any share or shares in the personal estate of any intestate, shall have the like remedy against the administrators for the recovery of the said share or shares, as by this act is given to legatees, against executors, and be under the same rules and regulations; any law usage or custom, to the contrary notwithstanding.

Actions against administrators for share of personal estate.

And be it further enacted by the authority aforesaid, That all lawful acts done or to be done by any administrator, before notice of a will, and all sales of goods and chattels made by an administrator bona fide before such notice, shall stand and remain good and shall not be impeached or altered by any executor or executors, on any will appearing afterwards.

Acts of administrator before notice of will.

Provided always, That such executor or executors, shall have the same remedy against the administrators, for the goods, chattels and credits, remaining unadministered, as he, she, or they might have had, before the making of this act.

Remedy by executors.

And be it further enacted by the authority aforesaid, That no action shall be prosecuted in consequence of this act, by any infant by his or her guardian, or next friend, until such guardian or next friend shall have executed and filed in the office of the clerk of the court in which such action shall be depending, a bond to the said infant in such sum, and with such surety, as the said court shall approve, conditioned that such guardian or next friend shall only account to the said infant, when he or she comes of age; or in case of his or her death to his or her executors or administrators, for all such money as shall be received on account of such legacy.

Actions by guardian of infant.

CHAP. 2.

AN ACT concerning stray cattle and sheep.

PASSED the 5th of January, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That every person, who at any time hereafter, between the first day of November and the first day of April in any year, shall have any strayed neat cattle, or sheep, upon his or her inclosed land shall within twenty days after the coming of such strayed neat cattle or sheep into his or her inclosed land, deliver unto the clerk of the city or town, where such neat cattle or sheep shall happen to be, a note in writing containing their several ages, colours and marks, natural and artificial, as near as may be, together with his or her name, and place of abode; and such clerk shall on receipt of every such note, make a full entry thereof at large in a book, to be provided by him for that purpose; and such clerk shall have for making such entry, the sum of six pence per head for all the neat cattle, and the sum of two pence for each sheep so entered as

Stray cattle and sheep, notice to be filed with town clerk.

aforesaid, to be paid to him by the person delivering such note: And the person delivering such note shall have for doing the same, nine pence per head for all neat cattle, and two pence for every sheep, described in such note; and may detain such cattle or sheep, until the owner thereof shall appear and pay the same, together with the sum paid or due to the clerk for the said entry, and all reasonable charges, for keeping the same cattle or sheep.

Proceed-
ings where
no owner
appears.

And be it further enacted by the authority aforesaid, That if no owner shall appear to claim the said cattle or sheep on or before the first day of May next after such entry so made, or if the owner shall refuse or neglect to pay for giving such notice and making such entry and keeping such cattle or sheep then the possessor or person who shall have kept them, and give such notice as aforesaid, is hereby authorised to sell them at vendue to the highest bidder, first giving at least twenty days notice of the time and place of such sale, by advertisements to be put up at three of the most public places in the city or town where the said neat cattle or sheep have been kept, and out of the monies arising by such sale, to retain in his or her hands for his or her own use the sums due as aforesaid for such notice, entry and keeping, of the same cattle or sheep, and shall upon demand pay the residue after deducting the charges of such sale, to the owner of the same cattle or sheep: But if the owner of such cattle or sheep shall not appear and demand the same money within one year next after such sale, he or she shall be and hereby is forever precluded and barred from recovering any part of the money arising by such sale; and the same money after such deductions as aforesaid, shall in such case be paid to the overseers of the poor of such city or town, for the use of the poor thereof; and the receipt of the said overseers shall be a legal discharge to the possessor or person who shall have kept such cattle or sheep. And if such possessor shall not within thirty days after the expiration of the said year, pay the remaining money arising by such sale, after the deductions aforesaid, to the overseers of the poor of the place where such neat cattle or sheep were taken up and sold as aforesaid, he or she shall forfeit double the sum so remaining in his or her hands, for the use of the poor of the same place; to be recovered over and above and together with the said remaining money, with costs of suit, by the overseers of the poor of the same place, for the time being, by action of debt, bill plaint or information, in any court having cognizance thereof.

Penalty for
failure to
give notice

And be it further enacted by the authority aforesaid, That every person who shall at any time hereafter, between the first day of November, and the first day of April in any year, knowingly have any such neat cattle or sheep as aforesaid, on his or her inclosed land, or in his or her possession, and do not acquaint the owner or owners therewith, or give the notice prescribed by this act, within twenty days thereafter, shall not only lose any demand he or she might otherwise have for keeping and feeding the same neat cattle or sheep, but shall also forfeit to the owner thereof the sum of twenty shillings for every neglect, to be recovered before any justice of the peace in the county, where such neglect shall happen, with full costs of suit.

Books kept
by town
clerk.

And be it further enacted by the authority aforesaid, That the books to be provided and kept by the respective clerks of each city and town as aforesaid, shall always by them be kept free and open for any person to search therein, and for which search no fee shall be taken by such clerk, on penalty of forfeiting five shillings for every offence, to be recovered by the party aggrieved, with costs of suit, before any justice of the peace in the county, where the offence shall be committed.

CHAP. 3.

AN ACT to prevent the odious practice of digging up and removing for the purpose of dissection, dead bodies interred in cemeteries or burial places.

PASSED the 16th of January, 1789.

WHEREAS the digging up dead bodies interred in cemeteries and burial places within this State, and removing them for the purpose of dissection, have occasioned great discontent to many of the inhabitants of this State; and in some instances disturbed the public peace and tranquility. Preamble.

To prevent such odious practices in future, *Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That any person who shall at any time hereafter, for the purpose of dissection, or with intent to dissect, dig up, remove or carry away, or be aiding or assisting, in digging up, removing or carrying away, any dead human body, which shall have been interred in any cemetery or burial place, within this State, or shall dissect, or aid abet or assist in dissecting such human body, and shall be convicted of any of the said offences, in the supreme court, or in any court of oyer and terminer, goal delivery, or court of general sessions of the peace, "shall be adjudged to stand in the pillory, or to suffer other corporal punishment (not extending to life or limb); and shall also pay such fine, and suffer such imprisonment, as the court before whom such conviction was held, shall in their discretion, think proper to direct." Grave robbery, penalty for.

And in order that science may not in this respect be injured by preventing the dissection of proper subjects.

Be it further enacted by the authority aforesaid, That the justices of the supreme court, or of any court of oyer and terminer, or goal delivery, in this State, from time to time, when any offender shall be convicted before them or either of them, of murder, arson or burglary, for which he or she shall be sentenced to suffer death, may at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the sheriff who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as such court shall direct, for the purpose aforesaid. *Provided always,* that such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body, at the time of the execution of such offender. Bodies of executed criminals may be given for dissection.

CHAP. 4.

AN ACT to authorize the justices of the supreme court, to appoint the place of holding the circuit courts, within the cities and counties of New York and Albany.

PASSED the 16th of January, 1789.

WHEREAS by an act entitled "An act for regulating trials of issues, and returning able and sufficient jurors," passed the 19th April 1786, it Preamble.

is made necessary for the circuit courts to be held at the court house, if any there be, of the respective counties within this State; which provision hath been found inconvenient, so far as the same respects the cities and counties of New York and Albany. Therefore.

Circuit
courts in
New York
and Albany

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the circuit courts which shall hereafter be appointed in pursuance of the act aforesaid, to be held in the city and county of New York, or in the city and county of Albany, shall be held at such place within the same respectively, as the supreme court at the time of appointing the said circuit courts, shall for that purpose direct, any thing in the said act to the contrary notwithstanding.

CHAP. 5.

AN ACT to enable the chief justice to hold the court of exchequer, during January term one thousand seven hundred and eighty-nine.

PASSED the 16th of January, 1789.

Chief justice
may
hold term
of court of
exchequer.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the chief justice of the supreme court of judicature for the time being, in the absence of the puisne justices of the said supreme court, in January term one thousand seven hundred and eighty nine, to hold the exchequer court, and to do and perform all the duties appertaining to the office of judge thereof, as fully and effectually to all intents and purposes, as the junior justice of the said supreme court might or could do, were he present and sitting in judgment therein.

CHAP. 6.

AN ACT to empower the mayor, recorder and aldermen of the city of New York, to raise by tax the sum of thirteen thousand pounds, for the purposes therein mentioned.

PASSED the 22d of January, 1789.

Preamble.

WHEREAS the mayor aldermen and commonalty of the city of New York, by their humble petition to the legislature have represented, that many of the inhabitants of the said city, from a persuasion that the residence of Congress in the said city, under the new Federal constitution, would be productive of great advantage to every class of citizens, had conceived it highly important that a convenient building should be provided for the accommodation of that august body: That the said inhabitants being informed that the funds of the corporation were not equal to the attainment of so desirable an object, had cheerfully lent their credit to raise money for the purpose, in expectation of being indemnified by an act of the legislature. That large sums of money had accordingly been obtained upon their credit, and applied to the erecting of a

building and to the repairing of the city hall of the city aforesaid. That at least the sum of thirteen thousand pounds would be necessary to indemnify the said inhabitants who have lent their credit as aforesaid, and to compleat the building and repairs aforesaid; and therefore praying, that the legislature will be pleased to make provision by tax or otherwise, for the purposes aforesaid; which petition appears reasonable to the legislature. Therefore,

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the mayor recorder and aldermen of the city of New York, or the major part of them, (of whom the mayor or recorder to be one) shall be, and hereby are fully authorised and empowered, as soon as conveniently may be, after the passing of this act, to order the raising the sum of thirteen thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the city and county of New York aforesaid, to be collected in one or more payments, as the said mayor, recorder and aldermen, or the major part of them, may direct, and paid into the hands of such person or persons, and applied to the indemnification of the several persons aforesaid, and to the compleating of the building and repairs aforesaid, in such manner, as the said mayor recorder and aldermen, or the major part of them, shall direct and appoint; which said sum of thirteen thousand pounds, shall be rated and assessed by the assessors of the said city and county, for the time being, and levied and collected in the same manner as hath heretofore been accustomed within the said city and county, for levying and collecting the tax for the maintenance and support of the poor, and other contingent charges within the said city and county; but at such time or times, as the said mayor recorder and aldermen, or the major part of them, shall direct and appoint, any thing in the second section of the act, entitled "An act for the more effectual collection of taxes in the city and county of New York," to the contrary notwithstanding. And the collectors of the several wards in the said city, are hereby empowered to retain in their hands six pence in the pound, and no more, for their trouble in collecting and paying the monies, by this act directed to be raised as aforesaid.

Tax levied
in New
York city
for pur-
poses
specified.

CHAP. 7.

AN ACT further to continue the treasurer of this State in office.

PASSED the 26th of January, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Gerard Bancker shall be, and hereby is continued in office as treasurer of this State, until sixty days after the rising of the legislature, at their next meeting after the first Monday in July, which will be in the year of our Lord, one thousand seven hundred and ninety.

Gerard
Bancker
continued
as State
treasurer.

II. *And be it further enacted by the authority aforesaid,* That the said Gerard Bancker, if he shall take upon him the execution of the said office, shall on or before the first day of April next, appear before one of the judges of the supreme court of this State, and take the following oath, vizt. I Gerard Bancker appointed treasurer of this State, do solemnly and sincerely swear and declare in the presence of Almighty God,

Oath of
office.

that I will during my continuance therein, well, faithfully and honestly, to the best of my knowledg and ability, execute the office of treasurer of this State, and that I will not on any occasion or pretence, apply any money or securities which shall or may come to my hands, as belonging to this State, to any private uses or purposes whatsoever, and that when my accounts as treasurer shall be examined in maner directed by law, I will exhibit an account of such securities, under this my oath of office, so help me God.

Bond to be given.

III. *And be it further enacted by the authority aforesaid,* That the speaker of the assembly for the time being, shall take a bond from the above named Gerard Bancker, on or before the first day of April next, with not less than four sufficient sureties, to the people of this State, in the sum of twenty thousand pounds lawful money of this State, with a condition that the said Gerard Bancker, shall and will well faithfully and honestly execute and perform the duties of the said office; which bond, when so taken, shall be lodged in the secretary's office of this State.

Discharge of former bond.

IV. *And be it further enacted by the authority aforesaid,* That if the said Gerard Bancker shall, upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the secretary of this State, a certificate duly executed by the auditor of the State, and the committee appointed, or to be appointed, to assist the auditor in the settlement of the public accounts, expressing that the accounts of the said Gerard Bancker, as treasurer, are regularly stated and ballanced, and also that the ballance of money and securities belonging to the public, if any there be, are actually in the treasury, such certificate when lodged in the office of the secretary of the State, as aforesaid, shall be to all intents and purposes a discharge of the bond, directed by this act to be given by the treasurer, with sureties, for the faithful performance of the duties of his office, as aforesaid.

CHAP. 8.

AN ACT for the relief of persons owing money to the people of this State, in right of persons whose estates have been confiscated, and who have tendered payment to the treasurer, previous to the first day of November last.

PASSED the 26th of January, 1789.

Certain payments may be made in public securities.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State for the time being, shall and may at any time previous to the first day of January next receive payment of all debts, due to the people of this State, in right of persons whose estates have been confiscated during the late war, from any person or persons who shall have offered to make payment of the same to the said treasurer in such manner as satisfied him that he or they really intended to have made such payment before the first day of November last, in public securities, in like manner as he might have done if the seventh section of the act entitled "An act for the relief of persons who paid money into the treasury of this State, in consequence of a resolution of the committee of safety, of the first day of March, one thousand seven hundred and seventy seven, and for other purposes therein mentioned,"

passed the 21st of April 1787, had not been repealed; which payment shall in all respects be as effectual and valid, as if the same had been made before the repeal of the said section of the said act, any law to the contrary, in any wise notwithstanding.

Provided always, that nothing contained in this act shall extend or be construed to extend to any obligation, debt or contract, whereon payment hath been made by any person to the treasurer of this State, according to the true intent and meaning of the fourth section of the act entitled "An act relating to forfeited estates" passed the twenty first day of March, one thousand seven hundred and eighty eight.

Debts to which act not to extend.

CHAP. 9.

AN ACT for the relief of Cadwallader Colden.

PASSED the 27th of January, 1789.

WHEREAS it appears to the legislature, that in the location made by Cadwallader Colden, of the lands formerly belonging to David Colden, deceased, in trust for the children of the said David Colden, certain parcels of land were improperly included, which have been appraised at the sum of one thousand six hundred and seventy nine pounds, two shillings, and six pence: *And whereas* the said Cadwallader Colden, hath already paid a large sum of money into the treasury of this State, in part of the appraised value of the lands of the said David Colden, mentioned in the said location; and by his petition to the legislature, hath prayed, that he may be discharged from the payment of the said sum of one thousand six hundred and seventy nine pounds, two shillings and six pence, and indulged with further time for the payment of one thousand seven hundred and twenty three pounds, three shillings and eight pence three farthings, being the residue of the money due to the State, for the lands of the said David Colden, vested in him as aforesaid; which petition the legislature think reasonable, and are disposed to grant. Therefore,

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the said Cadwallader Colden, his heirs, executors and administrators, shall be, and they are hereby fully and forever discharged, from the payment of the said sum of one thousand six hundred and seventy nine pounds, two shillings and six pence; and also shall and may pay the said sum of one thousand seven hundred and twenty three pounds, three shillings and eight pence three farthings, with the interest from the expiration of three calendar months from the time of making the appraisement aforesaid, into the treasury of this State, at any time within one year after the passing of this act, in like manner as the same sum might heretofore have been paid; which payment shall be as valid and effectual to all intents and purposes, as if the said Cadwallader Colden, had paid the appraised value of the lands properly included in the said location, within the time for that purpose prescribed, in and by the act, entitled "An act, for vesting the estate of David Colden deceased, not already sold, in Cadwallader Colden," any thing in the same act to the contrary thereof, in any wise notwithstanding.

Cadwallader Colden, payment to be made by.

And be it further enacted by the authority aforesaid, That the lots No. 31, 41, 50 and 57 lying in Snyders patent, adjoining to Hosack, com-

Lands to be open to location.

monly called Maple Town, improperly included in the location aforesaid, shall be and remain vested in the people of the State of New York, by the attainder of David Colden.

CHAP. 10.

AN ACT supplementary to the act, entitled "An act for giving relief in cases of insolvency.

PASSED the 27th of January, 1789.

Preamble.

WHEREAS by the laws in being within this State, executors or administrators, have no authority to become petitioning creditors for any insolvent debtor, nor to consent to his discharge, unless at their own risque, whereby it may frequently happen that the estates of their testator, or intestate, may be injured. Therefore,

When executors may become petitioning creditors.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That in all cases where executors or administrators think it would be proper for them to become petitioning creditors, for any insolvent debtor, in the nanner prescribed in and by the act entitled "An act for giving relief in cases of insolvency," such executors or administrators, may present a petition to the chancellor of this State for the time being, stating the reasons which induce them to think it advisable for them respectively, to become petitioning creditors as aforesaid; whereupon the said chancellor, shall, and may as soon as he shall deem it convenient, examine the allegations and reasons contained in such petition, in a summary manner, and if he shall thereupon be of opinion, that it will not be disadvantageous to the persons interested in the personal estate of such testator, or intestate, that the said executors or administrators should become petitioning creditors as aforesaid, then and in every such case, he shall cause an entry of such opinion to be made in the minutes of the court of chancery; and thereupon the said executors or administrators, shall be fully authorised to become petitioning creditors as aforesaid, and shall be only chargeable with such sum or sums of money, as shall come to their hands, from the estate of the insolvent, any law, usage or custom, to the contrary notwithstanding.

CHAP. 11.

AN ACT to erect part of the county of Montgomery, into a separate county, by the name of Ontario.

PASSED the 27th of January, 1789.

Preamble.

WHEREAS the county of Montgomery is so extensive, as to be inconvenient to those who now are, or may hereafter settle in the western part of that county, therefore,

Ontario county erected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all that part of the county of Montgomery, which lies to the westward of a line to be drawn due north to Lake Ontario, from the milestone or monument marked eighty two, and standing in the line of

division between this State and the commonwealth of Pennsylvania, shall be one separate and distinct county, and be called and known by the name of Ontario.

And be it further enacted by the authority aforesaid, That there shall be held in and for the said county of Ontario, a court of general sessions of the peace, and a court of common pleas, at such suitable and convenient place within the said county, as such judges of the court of common pleas, and such justices of the court of sessions, as shall be appointed for the said county, or a majority of them may direct; and that there be in the said county, two terms in every year, to commence and end on the days following vizt. The first term to commence on the first Tuesday in June, and to end on the Saturday following, and the second term to commence on the first Tuesday in November and to end on the Saturday in the same week, provided that in any of the said terms the court may adjourn previous to the day above limited for the termination thereof, if the business of the court will permit; and that the first court of general sessions of the peace, and first court of common pleas in the said county shall be held on the first Tuesday in November next.

Courts,
term of.

And be it further enacted by the authority aforesaid, That until other legislative provision shall be made in the premises, it shall and may be lawful to and for the justices of the court of sessions for the said county of Ontario, or a majority of them, at any general session, or at any special session to be held for the purpose, and they are hereby authorised to divide the said county into two or more districts as they shall deem expedient and convenient to the inhabitants; and that the said justices at any such session as aforesaid, shall fix and direct the place or places in each of the districts so to be made at which the first meetings for electing town officers shall be held; and all future meetings in any district shall be held at such place, as a majority of the inhabitants thereof shall by open vote, at any town meeting appoint.

Districts to
be formed
by court of
sessions.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the said county, and of every such district therein, shall be, and they hereby are declared entitled to all the rights privileges and immunities, which the inhabitants within any other county district or town within this State, are or may be entitled to by the constitution and laws of this State. Provided nevertheless,

Rights, etc.,
of county
and dis-
tricts.

And be it further enacted by the authority aforesaid, That at every election previous to the appointment of county, and district officers in the said county, it shall and may be lawful for the freeholders and inhabitants of the said county, to vote in all elections for governor, lieutenant governor, and members for senate and assembly, in like manner as they might have done, if this act had not passed: *Provided further,* that until such legislative provision shall be made as will give the said county a separate and distinct representation in the house of assembly, in the legislature of this State, the votes for members of assembly at any election, shall by one of the inspectors be delivered to the sheriff thereof, who shall deliver the same to the clerk of the county of Montgomery, in like manner as votes taken therein, and be canvassed by the supervisors thereof, as if the same had been taken in the said county of Montgomery, as by law directed; any thing in this, or any other law, to the contrary hereof notwithstanding.

Elections,
how to be
held.

And be it further enacted by the authority aforesaid, That all district or town meetings to be held in the said county of Ontario, for the purpose of electing State officers, shall be held and conducted in the manner directed by the act, entitled "An act for regulating elections,"

Town
meetings,
how held.

passed the 13th February 1787. That all district or town meetings to be held in the said county, for the purpose of electing district or town officers, shall be held in the manner directed by the act, entitled "An act for dividing the counties of this State into towns," passed the 7th March, 1788. And that the State and district or town officers, shall be respectively liable to all the duties enjoined on them by the laws of the State, and be subject to all the fines, pains and penalties, for neglect of duty or mal-conduct, as are directed by law.

Jail.

And be it further enacted by the authority aforesaid, That until a gaol shall be provided in the said county of Ontario, it shall and may be lawful to and for the officers and ministers of justice in the said county, to commit any person charged with the commission of any capital offence, in the said county of Ontario, to the common gaol of the county of Montgomery; and that it shall not be the duty of the justices of the supreme court, to hold a circuit court once in every year, in the said county of Ontario, unless in their judgment they shall deem it proper and necessary; any thing in the act entitled "An act for regulating trials of issues, and for returning able and sufficient jurors," to the contrary notwithstanding. *Provided always, and it is hereby declared,* that nothing in this act shall be so construed as to imply, that any State tax, can or will be levied within the said county of Ontario, until the expiration of the exemption stipulated by the deed of session and agreement between this State, and the Commonwealth of Massachusetts.

Circuit court.

State tax.

CHAP. 12.

AN ACT directing the times places and manner of electing Representatives in this State, for the house of representatives of the Congress of the United States of America.

PASSED the 27th of January, 1789.

State divided into six congressional districts.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That this State shall be and hereby is divided into six districts, as follows, that is to say, the counties of Suffolk, Queens, Kings and Richmond shall be one district, and the city and county of New York and Westchester county except the towns of Salem, North Salem, Courtlandt, York Town, and Stephen Town shall be one district, and the county of Dutchess and the towns of Salem, North Salem, Courtlandt, York Town and Stephen Town in Westchester county shall be one district; and the counties of Ulster and Orange shall be one district, and the counties of Columbia, Washington and Clinton with all the remaining part of this State lying on the east side of Hudsons river, shall be one district, and that part of the county of Albany, which lies on the west side of Hudsons river and the counties of Montgomery and Ontario shall be one district; and that at every election in each district for representatives of the people of this State in the house of representatives of the Congress of the United States, a person who shall have attained the age of twenty five years, who shall have been seven years a citizen of the United States, and who shall then be an inhabitant of this State shall be chosen by the people of such district, that is to say, by such persons who are or shall be qualified to vote for members of the assembly of this State, each of whom shall be entitled to vote for one person as such

Qualifications of electors.

representative, and the person who shall have the greatest number of votes in such district shall be the representative; and all such elections shall be held and conducted by such persons and in the same manner as the elections for members of the assembly of this State are by law to be held and conducted; and upon closing the poll at every such election the poll books or lists, shall after due examination and correction thereof be signed by the inspectors attending the closing of the poll books or lists, and by the clerks who shall have kept the same poll books or lists respectively; and the box containing the ballots shall then be opened, and the ballots contained therein be taken out, and without being opened or inspected, shall, together with both the poll books or lists be immediately put up under cover and enclosed, and the enclosure bound with tape, and sealed in such manner as to prevent its being opened without discovery, and the inspectors present at closing of the poll shall then put their seals and write their names upon the same enclosure; and one of the inspectors then present, to be appointed for that purpose by a majority of them, shall without delay and within five days thereafter, deliver the same enclosure, so sealed up as aforesaid, to the sheriff of the county, who shall upon receiving the said enclosures without opening or inspecting the same, or any of them, put the said enclosures, and every of them, into one box, which shall be well closed and sealed up by him; and he shall put his seal and write his name and the name of his county on the said box, and shall within fourteen days thereafter either in person or by his sufficient deputy, deliver the said box without opening the same or the enclosures therein contained, into the office of the secretary of this State, where the same shall be safely kept by the secretary of this State, or by his deputy, unbroken and unopened, until the meeting of the committee herein after mentioned and appointed, to canvass and estimate the ballots therein contained, when all the said boxes shall be delivered, unbroken and unopened to them; and for which service, the sheriffs of the respective counties shall be allowed at and after the rate of one shilling per mile, for going to the secretary's office, to be computed from the sheriffs place of abode in each county, to the secretary's office, and to be paid on the certificate of the secretary, by the treasurer of the State out of any monies in his hands unappropriated.

Manner of
conducting
elections
and trans-
mittal of
ballots.

And be it further enacted by the authority aforesaid, That the inspectors of the elections in that part of the county of Albany, now called the district of Saraghtoga and the inspectors at any future election subsequent to the first day of April next, when the said district will become the town of Saraghtoga, and the town of Stillwater, shall at all elections for such representatives as aforesaid, take and keep the votes and poll lists of the electors on each side of Hudsons river, separately from each other, designating, whether such poll lists are respectively made for that part of the said district or towns, as the case may be, on the east or west side of the said river, and inclose them with the ballots in separate enclosures, and shall mention in writing in such poll lists and on such enclosures, on which side of Hudsons river the voters respectively dwell.

District of
Saraghtoga.

And be it further enacted by the authority aforesaid, That the committee annually to be appointed by virtue of the act entitled "An act for regulating elections" passed the 13th day of February 1787, or the major part of them, shall, and hereby are authorized and required, to canvass and estimate the votes to be taken as aforesaid for members of the house of representatives of the Congress of the United States; and shall on the third Tuesday in May, next after every such election, meet together at the office of the secretary of this State; and the said com-

Canvass of
votes.

mittee or the major part of them shall on the said day, and within so many days thereafter as shall be necessary for the purpose, proceed to open the said boxes one after the other, and the enclosures therein contained respectively, and canvass and estimate the votes therein contained, and as soon as they shall be able to determine upon such canvass and estimate who by the greatest number of votes shall have been chosen a member of the house of representatives of the Congress of the United States, in each of the said districts, and within fourteen days next after the said third Tuesday in May, they shall determine the same; and thereupon without delay make and subscribe with their own proper names and hands writings, a certificate of such determination in a book to be kept for that purpose, in the said secretary's office, there to remain of record, and without delay deliver or cause to be delivered a true copy thereof so subscribed as aforesaid, to each of the persons so elected respectively, and another copy thereof so subscribed as aforesaid, to the house of representatives of the Congress of the United States, at their then or next meeting; and that all and every duty enjoined on the said committee by this act, shall and may be exercised by the chancellor and justices of the supreme court, on the occasions, and in the manner directed by the said act.

Majority of
canvassers
may act.

And be it further enacted by the authority aforesaid, That when a majority of the said committee shall meet at any time for the purpose of canvassing and estimating the votes taken for any such representative or representatives, such majority shall be, and hereby are authorized empowered and required, to proceed to such canvass and estimate; and all questions which shall arise upon such canvass and estimate, or upon any of the proceedings therein, shall be determined according to the opinion of the major part of the committee so met.

Oath of
canvassers.

And be it further enacted by the authority aforesaid, That the said committee, or such of them as shall meet to make such canvas and estimate as aforesaid, shall, before they proceed to open any of the boxes delivered by the sheriffs as aforesaid, severally take and subscribe the oath prescribed by the eleventh section of the said act, adding after the word senators (in the said oath) "and for member or members of the house of representatives of the Congress of the United States," which oath the said committee or any of them are hereby authorized and required to administer to each other; and the same shall be entered of record by the said secretary, or his deputy, in the same book in which the certificate of their determination is to be recorded as aforesaid.

Time of
holding
elections
and mak-
ing can-
vass.

And be it further enacted by the authority aforesaid, That the first election in this State for such representatives as aforesaid, shall begin on the first Tuesday in March next, and general elections for such representatives shall be held at the times following, that is to say, the first general election next after that which is to be held on the first Tuesday in March next, shall be held on the last Tuesday in April one thousand seven hundred and ninety, and every subsequent general election shall be held on the last Tuesday in April in every second year thereafter; and in case of any vacancy or vacancies, by death or otherwise, in the said office of representatives, between any of the said general elections, the person administering the government of this State for the time being shall by proclamation give notice thereof, and shall in such proclamation signify out of what district or districts the person or persons are to be elected to fill such vacancy or vacancies, and shall also appoint a day, not less than forty nor more than sixty days, from the day of the publication of such proclamation, for such election, and cause a copy of such proclamation to be delivered to each sheriff within such districts,

and the respective sherifs shall give notice in writing of such election to the supervisors of the several towns or districts within their bailiwyck within eight days after receiving such proclamation; and notices shall be published by the supervisors to the people; and such elections shall be held and conducted by such persons and in the same manner as the general elections for representatives, are herein before directed to be held and conducted; and the secretary of this State for the time being, shall within ten days after receiving the boxes containing the ballots taken at any such election, by special messengers at the expence of this State, give notice thereof in writing to each member of the said committee, and require his attendance at the secretary's office at a certain day not less than twenty days nor more than thirty days from the date of the said notice, to canvass and estimate the votes taken at such election; and such canvass and estimate shall be made by the said committee, or a majority of them, and in the same manner, and such certificates of their determination be made and given, as is and are herein before directed upon a general election for representatives. *Provided nevertheless*, that the canvass and estimate of the votes to be taken at the election to be held on the first Tuesday in March next, shall be made on the first Tuesday in April next, at such place as the person administering the government of this State for the time being, shall appoint; and if he shall not appoint the city of New York, he shall then give timely notice to the secretary of this State to attend either by himself or by his deputy, with the boxes at the place appointed.

And be it further enacted by the authority aforesaid, That if any person shall be guilty of bribery or corrupt conduct at any such election, or in any of the duties required of him by this act, or shall neglect or refuse to perform any of the duties required of him by this act, every such person so offending, shall be liable to the same pains and penalties, as are imposed for the like offences in and by the act entitled "An act for regulating elections," and to be recovered and applied in the manner therein directed.

Bribery
and cor-
rupt con-
duct.

And be it further enacted by the authority aforesaid, That no officer or other person shall call or order any of the militia of this State to appear or exercise, on any day or at any time during any such election, or at any time within twenty days before the ordinary and established days of election, (except in cases of invasion or insurrection) on pain of forfeiting the sum of two hundred pounds for every such offence, to be recovered by any person who will sue for the same, with costs, the one moiety of such penalty to his own use, and the other moiety thereof to the people of this State.

Militia not
to be called
out.

And be it further enacted by the authority aforesaid, That it shall not be lawful for any officer or minister of justice, to serve any civil process in any city or town within this State, on any person entitled, to vote at any such election, between the day preceding any election, and the day subsequent to the closing of the poll at such election, in such city, or town.

Civil pro-
cess not to
be served.

CHAP. 13.

AN ACT to enable the mayor recorder and aldermen of the city of New York, to order the raising monies by tax for the maintenance of the poor, and for defraying the other contingent expences, arising in the city and county of New York.

PASSED the 2d of February, 1789.

Tax levied
in New
York city
for contin-
gent
charges.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the mayor, recorder and aldermen, of the city of New York, or the major part of them, (of whom the mayor or recorder to be one) shall be, and hereby are fully authorised and empowered, as soon as conveniently may be, after the passing of this act, to order the raising the sum of six thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county, the Bridewell, and the criminals from time to time confined in the prison of the said city and county, and to the repairing and maintaining the public roads, and cleaning and improving the streets, within the said city and county. And also a further sum of four thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the said city, on the south side of a line beginning at the outlet of the meadow of Leonard Lispenard Esquire, into Hudsons river; thence extending to and along the north side of the dwelling house of Nicholas Bayard, Esquire, thence to and along the side of the dwelling house of Morgan Lewis Esquire, and thence to and along the north side of the dwelling house of Abraham Cannon to the East river, to be applied to the payment of so many watchmen, as the mayor, aldermen and commonalty of the said city, in common council convened, shall think necessary for guarding the said city; and also the purchasing oil, providing lamps and repairing and attending the lamps which now are, or hereafter may be erected within the said city; which said several sums above mentioned shall be rated and assessed according to the estate of each respective person, so to be taxed, and collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such times as the said mayor recorder and aldermen, or the major part of them, shall direct and appoint; any thing in the second section of the statute entitled "An act for the more effectual collection of taxes, in the city and county of New York," contained, to the contrary notwithstanding.

Fees of col-
lectors and
treasurer.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collectors in the several wards of the said city, to retain in their own hands, the sum of six pence in the pound, and no more, for their trouble, in collecting and paying the monies by this act directed to be raised, to the treasurer or chamberlain of the said city. *And further* that it shall and may be lawful for the treasurer or chamberlain of the same city, to retain in his own hands, the sum of two pence in the pound, and no more, for his trouble in receiving and paying out, the monies aforesaid.

CHAP. 14.

AN ACT for the better clearing regulating and further laying out, public highways, in Suffolk county, Kings county, and Queens county.

PASSED the 2d of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the commissioners of the highways for the time being, to be elected or appointed in each of the several towns, in Suffolk county, Kings county and Queens county, for the same towns, or the major part of them, in the respective towns for which they shall be chosen or appointed commissioners, shall be, and hereby are authorised and empowered to regulate the roads already laid out, and to lay out such other public roads in the respective towns, for which they shall be elected or appointed commissioners, as to them or to the major part of them shall seem necessary and convenient; and if need be, from time to time, to take a view of the roads before laid out in the respective towns, for which they shall be elected or appointed commissioners; and to alter such of the said roads as shall appear to them, or the major part of them to be inconvenient, in such manner as they, or the major part of them, shall think convenient as well for travellers as for the inhabitants of such town, and the adjacent towns, villages and neighbourhoods. And it shall and may be lawful for the commissioners of each respective town, or the major part of them, to stop up such roads in the said town, as shall appear to them, or the major part of them, to be unnecessary; but all such roads as shall be found by them or the major part of them, to be necessary and convenient, shall remain and continue as the same shall be found by the said commissioners; *provided always,* that it shall not be lawful for the said commissioners, or any of them, to lay out any road through any persons land, without either the consent of the owner thereof, or paying him the true value of the land so laid out into a highway or road, with such damages as he shall sustain thereby: And if any dispute shall arise concerning the value of the land or damages, the same shall be determined and the true value and damages set and appraised by two justices of the peace of the county, by the oath of twelve freeholders of the county, not having any interest in the land, about which such dispute shall arise; the said freeholders to be summoned by the sheriff, by virtue of a warrant to be issued by the said two justices for that purpose. And in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages, together with the charges of the commissioners, and the charges of summoning the jury, and of their verdict, and of the whole proceedings had thereon, shall be raised in the town where such highway shall be laid out, and be levied and paid in like manner as the other contingent charges of the county; and the highway so laid out, shall be a common public highway. But if the road so laid out or altered, be for the private use and benefit of any particular person or persons, then the value of the land, damages and charges as aforesaid, shall be paid by the person or persons who desire the same to be laid out or altered; and such road shall be for the only proper use of such person and persons, and his and their heirs and assigns, who shall pay for the same. But the person through whose land such road shall be

Commissioners of highways, duties of.

laid out, his heirs or assigns, shall not be debarred from crossing or using the same road.

Alteration
of roads.

And be it further enacted by the authority aforesaid, That where any road hath been laid out, contiguous to, or through any persons land in any town, and it shall appear to the commissioners of the same town, or the major part of them, that another road may be laid out through the same persons land, that would be more convenient, as well for travellers, as for the inhabitants of the same town, it shall and may be lawful for the said commissioners, or the major part of them, to agree with the owner or proprietor of the same lands, concerning the same, and to exchange the said road already laid out, for another road to be laid out by the said commissioners, through the said persons land; which agreement shall be good and valid in the law, and the owner or proprietor of such land, shall hold and enjoy the land where such former road was laid out, to him, and his heirs and assigns, forever.

Record of
highways.

And be it further enacted by the authority aforesaid, That the commissioners of every town, shall from time to time, enter in writing all the highways and roads by them laid out, approved of, altered or stopped up, and subscribe the same writing, and cause it to be recorded in the town records, or in the county records, and the several clerks are hereby directed and required, to record the same. And whatsoever the said commissioners shall do according to the powers given them by this act, being so recorded, shall be good and valid, to all intents and purposes, whatsoever.

Width of
roads.

And be it further enacted by the authority aforesaid, That all public highways to be laid out by virtue of this act, shall not be less than three rods wide, and that all roads to be laid out at the request, and for the use and benefit of any particular person or persons, shall not be less than twenty feet, nor exceed two rods in breadth.

Swinging
gates.

And be it further enacted by the authority aforesaid, That when any road from any town, village or plantation, to any landing place, mill or meadow, shall run through any persons land, it shall and may be lawful for such person or persons, by the approbation of the commissioners of such town, to place and hang good easy swinging gates on such roads, and keep them in good repair, at his and their own proper costs: But no roads leading into or out of any commons, where the cattle belonging to any town or village usually pass, to and from such commons, shall be clogged or obstructed by any swinging gates, or otherwise, without the consent of the inhabitants of the said town or village, or the major part of them. And the several gates already standing and allowed, may be approved and continued, or altered or removed, as the commissioners shall from time to time judge most convenient. And all such roads shall be amended and maintained by the inhabitants of the place, where such roads may run.

Obstruc-
tion of
highways.

And be it further enacted by the authority aforesaid, That if any person shall alter, stop up, lessen or obstruct, any highway or road, already laid out, or hereafter to be laid out according to law, without the consent of the commissioners, every such person shall for every such offence, forfeit the sum of forty shillings, to be recovered with costs, before any justice of the peace, upon the oath of any one credible witness, and levied of the goods and chattels of the offender, by warrant from such justice, directed to the constable of the town or place, where such offence is committed. And the constable shall pay the said forfeiture and costs to such justice, who shall pay the said forfeiture to the overseers of the highways of the place, where the offence is committed, to be by him applied towards repairing the public highways in his district.

And be it further enacted by the authority aforesaid, That each commissioner shall have as a reward for his care and trouble, for every day he shall be employed in laying out or regulating highways and roads, in the town for which he shall be chosen or appointed, the sum of six shillings and the commissioners of each town shall transmit their accounts to the supervisors of the county, who shall cause the sums they shall find to be due to the said commissioners, (except in cases where they are to be paid by particular persons,) to be raised in the town where they were chosen or appointed commissioners, together with the necessary contingent charges of the county, and to be paid to the said commissioners.

Allowances
to commis-
sioners.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of each town in the said counties, shall clear, amend, repair and maintain the highways in the same town. And that every free male inhabitant, being above the age of twenty one years, shall either in person, or by an able and sufficient man in his room, be obliged to work upon the highways, in the district or place where he shall reside, as often as the overseer of the highways of the same district or place shall direct; not exceeding six days in a year; and shall work faithfully at least eight hours in each day; and shall bring with him such team and such implements for the purpose, as the said overseer of the highways, shall from time to time direct and appoint. And if any person shall refuse or neglect to work upon the highways as aforesaid, he shall forfeit and pay to the overseer of the highways of the district or place where he shall reside, nine pence for every hour he shall so refuse or neglect to work. And if the said penalty is not paid within six days after the same shall be incurred, it shall be levied with four shillings cost, by a warrant under the hand and seal of the said overseer of the highways, directed to one of the constables of the town, where the neglect or refusal happens: And such constable shall levy the same by distress and sale of the goods and chattels of the offender, and pay the said penalty to the said overseer of the highways, with one shilling for the said warrant, and retain the other three shillings for his fees. And the said penalty shall be applied by the said overseer of the highways, towards amending and repairing the highways in his district. *Provided always,* that all male slaves in the county of Suffolk, above the age of sixteen years, and under the age of sixty years, shall be obliged to work on the highways in the district where they live, when the overseer of the highways shall direct, not exceeding two days in a year. And the penalties for default or neglect, shall be levied on the goods and chattels of the master or mistress, of such slave.

Repairing
of high-
ways by
inhabitants

And be it further enacted by the authority aforesaid, That a good and sufficient team, with a cart, waggon, plow or sled, and a person to manage the same, shall be esteemed for and in lieu of two days work of one man; and the penalty for refusal or neglect shall be proportionable, and shall be levied and applied, in the manner aforesaid.

Team, etc.,
with driver

And be it further enacted by the authority aforesaid, That the respective overseers of the highways, of the respective districts or places for which they shall be respectively chosen or appointed, shall from time to time direct, when, where, and in what manner, the highways and roads in their respective districts shall be cleared, amended and repaired; and oversee and direct how the same shall be done; and shall warn the inhabitants to work upon the highways, whenever there shall be occasion.

Overseers,
duty of.

And be it further enacted by the authority aforesaid, That any justice of the peace in any town, in either of the said counties, may order the overseer of the highways of any district in such town, to cause the high-

Justice
may order
overseer to
repair
highways.

ways or roads in his district, or any part or parts of them, to be cleared, amended or repaired, whenever it shall appear to such justice to be necessary. And such overseer of the highways, shall within eight days thereafter, warn and set the inhabitants of such district, or such of them as shall not have worked the full number of days, to work upon the said highways or roads, or such part or parts thereof, as he shall be so ordered to clear, amend or repair. And if any overseer of the highways shall neglect or refuse to do so, he shall for every such neglect or refusal, forfeit and pay the sum of forty shillings, to be recovered with costs, before any justice of the peace in the same county, upon the oath of any credible witness; and the said penalties, when recovered, shall be paid to the commissioners of highways of the same town, and be by them applied towards the repairing the highways, in the same town.

Trees
standing in
highway.

And be it further enacted by the authority aforesaid, That all trees and wood, standing in any highway, may be cut down and removed, or used for repairing the same, or any other highway; but such as is not used for that purpose, may at any time be cut down by the owner of the land, through which such highway runs, and applied to his own use.

Wanton
obstruction
of
highway.

And be it further enacted by the authority aforesaid, That if any person shall wantonly damage any road, bridge or causeway, or fence across any road or highway, in any of the said counties, or erect or set up any gate thereon, or put or leave in any of them, any unnecessary obstruction, without leave of the said commissioners; or if any person shall leave a dead horse, or the carcass of any other beast, or any broken carriage, in any road or highway, for any longer time than may be necessary to remove the same, or set up in, or near any road or highway, anything by which horses are usually affrighted, or shall by any improper behaviour, affright any horse or traveller, on any road or highway every such person shall for every such offence, forfeit and pay to the overseer of the highways of the district, where the offence shall be committed, the sum of forty shillings, to be recovered by the said overseer of the highways, with costs of suit, by action of debt, before any court having cognizance thereof; and when recovered, shall be applied to the repairing and improving the roads or highways within such district, in such manner as the overseer of the highways shall think best.

Passing of
teams on
highways.

And be it further enacted by the authority aforesaid, That in all cases of persons meeting each other in carriages, waggons, carts or sleighs, on any road or highway in Kings county, or on the main road to the westward of the great plains, in Queens county, those who are not going towards the city of New York, shall give way to such as are going towards the city of New York, under the penalty of forty shillings; for every offence, to be recovered with costs of suit, by any person who will sue for the same, before any justice of the peace of the county, where the offence is committed; the one half of which penalty shall be for the use of the person who shall prosecute for the same with effect, and the other half thereof shall be paid to the commissioners of the highways of the town, where the offence was committed, and be by them applied towards the repair of the highways in the same town.

Part of act
recited
repealed.

And be it further enacted by the authority aforesaid, That the second section of the act entitled "An act to amend an act entitled An act, for the better laying out regulating and keeping in repair, all common and public highways and private roads, in the counties of Ulster, Orange, Dutchess, Washington, West Chester, Albany and Montgomery, passed the 4th day of May 1784, and to extend the same to the county of Suffolk" shall be, and hereby is repealed.

CHAP. 15.

AN ACT for the relief of Henry Rutgers and others.

PASSED the 6th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the auditor of this State, shall and may settle with Henry Rutgers, Richard Lush and Jacob John Lansing, respectively, for their arrears of pay, and year's advance of pay as deputy muster masters in the late army of the United States, upon the same principles as the auditors appointed by law to liquidate and settle the accounts of the line of this State, in the army of the United States, have settled with Richard Varick Esquire; and that upon such settlements, the treasurer of this State shall give to them the said Henry Rutgers, Richard Lush and Jacob John Lansing, respectively, a certificate for the amount of such arrears of pay, and year's advance as aforesaid.

Auditor
may settle
accounts
of persons
named.

CHAP. 16.

AN ACT for the further relief of Catharine Kittle.

PASSED the 6th of February, 1789.

WHEREAS all the estate both real and personal of Andries Kittle, the late husband of Catharine Kittle, were by the conviction of the said Andries Kittle vested in the people of this State: *And whereas* the legislature did by the sixth section of an act entitled "An act for the relief of Theodosius Fowler and others" passed the 18th of April 1787, vest all the estate, right, title, interest, claim and demand of the people of this State, in and to a certain farm situate at a place called the Eyke Boss, in the district of Kinderhook, in her the said Catharine Kittle, her heirs and assigns in fee simple, she paying all the debts contracted by her said husband, prior to the time of his having adhered to the enemies of this State: *And whereas* the said Catharine Kittle, by her humble petition, hath alledged that a suit hath been commenced against her for upwards of three hundred pounds which will deprive her of the benefit intended her by the legislature, and prayed, that all the right title, interest, claim and demand of the people of this State in and to the real, and to the personal property of her said late husband, to which he was entitled at the time of his adhering to the enemies of this State, except such parts thereof as have been sold by the commissioners of forfeitures and sequestration might be vested in her. Therefore

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the estate, right, title, interest, claim and demand of the people of this State in and to the real estate of the said Andries Kittle, which became forfeited to the people of this State by the conviction of the said Andries Kittle, be and hereby are vested in the said Catharine Kittle her heirs and assigns, except such parts thereof as may have been sold by the commissioners of forfeitures.

Release of
lands to
Catharine
Kittle.

Release of
personal
property.

And be it further enacted by the authority aforesaid, That all the right title interest claim and demand of the people of this State of, in, and to all the personal estate of the said Andries Kittle, of what kind or nature soever the same may be, which became forfeited to and vested in the people of this State, by the conviction of the said Andries Kittle, except so much thereof as hath been sold by the commissioners of sequestration, or which may have been paid into the treasury of this State agreeable to law or by law remitted to the debtors be and hereby are vested in the said Catharine Kittle her executors administrators and assigns.

Catharine
Kittle may
exercise
full rights
over prop-
erty re-
leased.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Catharine Kittle her executors or administrators in her or their name or names, and to her use to commence prosecute and maintain any suit or suits either in law or equity, for the recovery of any goods, chattels, debts and sums of money, which were in any wise due owing or belonging to him the said Andries Kittle at the time of his conviction and which became so as aforesaid forfeited thereby, to the people of this State except as aforesaid and that as fully and amply to all intents and purposes as the said Andries Kittle might or could have done was he now in full life and no such conviction had taken place. *Provided always* that the said Catharine Kittle shall be subject to the payment of the debts of the said Andries Kittle, contracted prior to the time of his having adhered to the enemies of the people of this State, as far as the said real and personal estate will extend to pay the same.

Liability
for debts.

CHAP. 17.

AN ACT relative to the mayors courts of the cities of Albany and Hudson.

PASSED the 6th of February, 1789.

Jurisdic-
tion of
mayor's
courts in
Albany and
Hudson.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, no action shall be commenced in the mayors court of the city of Albany, or the mayor's court of the city of Hudson, unless in such cases in which the cause of action arose within the jurisdiction of such courts respectively.

Adjourn-
ment of
court in
Albany.

And be it further enacted by the authority aforesaid, That it shall be lawful for the mayor recorder and aldermen of the city of Albany, or such of them as shall at any time hold the mayors court in and for the said city, from time to time to adjourn the said court for any time not exceeding six weeks, any law usage or custom, to the contrary notwithstanding.

CHAP. 18.

AN ACT relative to mines.

PASSED the 6th of February, 1789.

Discover-
ers given
produce of
mines for
twenty-one
years.

I. Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That every person who heretofore has, or hereafter shall make discovery of any mine or mines of gold or silver, within this State, and the execu-

tors administrators or assigns of such person, shall be, and hereby is, and are exempted, acquitted, released and discharged, of and from paying or yielding to the people of this State, as sovereign thereof, or to any commissioner, agent, collector, or receiver for their use, any part, share, portion or dividend whatsoever, of the ore, produce or profit of such mine or mines, for, during, and until the full end and term of twenty one years, to be computed from the time of giving notice of such discovery, in the manner herein after directed.

II. *And be it further enacted by the authority aforesaid,* That every person discovering or having discovered a mine or mines of gold or silver within this State, shall before he, presumes to work the same, give notice thereof by information in writing, to the secretary of this State, describing particularly therein the nature and situation of the same; which notice shall be regist'ed in a book to be kept by the said secretary for that purpose; and the secretary shall be entitled thereupon to the sum of ten shillings, and no more, for his services in registering such notice.

Notice of discovery to be filed with secretary of State.

III. *And be it further enacted by the authority aforesaid,* That no person or persons shall, on any pretext whatsoever, presume to work or intermeddle with any mine or mines of gold or silver within this State, after the expiration of the term, during which he, she or they, is or are privileged as above specified, until he, she, or they, shall have previously obtained permission of the legislature of this State for that purpose, on such conditions and limitations as the legislature shall deem proper and expedient. And in order to give every reasonable advantage to persons making discovery of such mines as aforesaid.

Mine not to be worked after time expired.

IV. *Be it further enacted by the authority aforesaid,* That in all treaties with the legislature for the working of such mines, the person or persons who made discovery of the same, or his her or their executors, administrators or assigns, shall have the offer of being a party, and privy thereto, and shall in every treaty for working the same have the preference of all other persons whomsoever.

Discoverer to have preference in future contract.

V. *Provided always,* That nothing herein contained, shall be construed to give any person a right to dig, or break up the soil or ground of any person or persons, bodies corporate or politic, or of the people of this State; or to work any mine in the same, unless the consent of the owner or owners of such soil or ground, is for that purpose, previously obtained.

Land not to be taken without consent of owner.

VI. *Provided also,* That nothing in this act contained, shall in any wise affect any grants heretofore made by the legislature of this State, to persons having discovered mines.

Previous grants not affected.

VII. *And be it further enacted by the authority aforesaid,* That all and every person and persons, being a citizen or citizens of any of the United States of America, who now are or hereafter shall be the owner or owners of any mine or mines within this State, wherein any ore now is or hereafter shall be discovered, opened, found or wrought, of which upon an average two equal third parts, or more in value, are copper, tin, iron and lead, or any of those metals, shall and may hold and enjoy the same mine or mines, and ore, and continue in the possession thereof, and dig and work the said mine or mines, or ore, notwithstanding that such mine or mines, or ore, shall be pretended or claimed to belong to the people of this State, as the sovereign thereof; any law, usage or custom, to the contrary notwithstanding.

Copper, tin, iron and lead mines.

CHAP. 19.**AN ACT for the punishment of disorderly persons in the city of New York.**

PASSED the 6th of February, 1789.

Disorderly
persons in
New York
city, pun-
ishment of.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the mayor, recorder, and aldermen of the city of New York, for the time being, or any two of them, in all cases where by law they, or any of them, are authorised to inflict corporal punishment, for any crime or misdemeanor, except under the act entitled "An act for apprehending and punishing disorderly persons," to substitute at their discretion, instead of such corporal punishment, a confinement of the offender in the house of employment, or bridewell, belonging to the said city, to be kept at hard labour therein, or at any work or employment, at any other place within the said city, for any period, not exceeding six months, according to the nature of the offence; and also to confine and set to hard labour in manner aforesaid, and for any time, not exceeding six months as aforesaid, all disorderly persons who have been legally removed from the said city, and shall have unlawfully returned, without bringing a certificate from the city or town whereto they respectively belong, all common street beggars, and all idle persons, not having visible means of livelihood, and who cannot give a good account of themselves, or find sufficient sureties for their good behaviour, who now are or from time to time shall come into, or sojourn within the said city,

CHAP. 20.**AN ACT for discharging the arrears due on certain requisitions of Congress for specie.**

PASSED the 12th of February, 1789.

Appropriation to
United
States.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer of this State, and he is hereby required, out of any monies now in the treasury, to pay to the continental commissioner of loans within this State, or to the order of the United States in Congress assembled, twenty four thousand, five hundred and eighty three dollars, and eighty nine ninetieths of a dollar, being the sum claimed to be due from this State for arrears on former requisitions in specie; *provided always,* that it shall be lawful for the said treasurer, and he is hereby directed and required, to deduct out of the said sum of twenty four thousand five hundred and eighty three dollars, and eighty nine ninetieths of a dollar, all such sum and sums of money, as the said treasurer shall on or before the first day of January next, pay for the pensions of invalids, who are inhabitants of this State; and all such sum and sums of money, as the said treasurer shall pay out of the treasury of this State, on or before the said first day of January next, in pursuance of the act entitled "An act making provision for officers soldiers and seamen, who have been disabled in the service of the United States," or in pursuance of any act of the United States in Congress assembled, for that purpose made, or to be made.

CHAP. 21.

AN ACT to continue and amend an act entitled "An act for appointing commissioners to hold treaties with the Indians within this State."

PASSED the 12th of February, 1789.

WHEREAS the time limited by the act entitled "An act for appointing commissioners to hold treaties with the Indians within this State" passed the 1st of March 1788, for the continuance in office of the commissioners therein named, is expired, and it being necessary that commissioners should be appointed for the purposes mentioned in the said act. Therefore

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said act be and the same is hereby revived and continued until thirty days after a quorum of both houses shall be assembled at the first meeting of the legislature, after the first Monday in July next; and that Pierre Van Cortlandt, John Hathorn and Abraham Ten Broeck Esquires shall be, and hereby are appointed commissioners in addition to the persons named in the said act; and that none of the powers vested in the said commissioners in and by the second section of the said act shall be exercised in any part of this State, other than in the counties of Montgomery and Ontario. *Provided always,* that nothing in the aforesaid act contained, shall be so construed as to authorize the said commissioners, or any of them, to order or send any person or persons from any such place where any treaty may be held, farther than to his her or their usual place of residence, or to authorize the said commissioners or any of them to send or commit any person or persons to any other goal or place of confinement than the gaol of the county of Montgomery. *And provided also,* that nothing in this act contained, shall be construed to empower the person administering the government of this State for the time being, at any time hereafter to draw any sum or sums of money from the treasury of this State, which shall exceed in the whole the sum of three thousand pounds.

Act recited
revived;
how new
commis-
sioners
named.

CHAP. 22.

AN ACT to encourage the raising of sheep, and to prevent injury by dogs.

PASSED the 13th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the collector or collectors, in each respective town within this State, and they are hereby authorized and required, once in every year during the continuance of this act, to demand and receive, of and from the master or mistress of any family, in which a dog or dogs are kept, or from a single person keeping a dog or dogs, the following sums vizt. If only one dog is kept by any family, or by any single person, the sum of one shilling, if two dogs are so kept, the sum of five shillings; and for every dog so kept above two, the further sum of eight shillings.

Dog tax to
be collect-
ed by col-
lectors.

1d.

And be it further enacted by the authority aforesaid, That the collectors in each town shall respectively keep a book, and therein enter the name of every person in that part of the town for which he is collector, who shall keep a dog or dogs, specifying the number kept by each person, with the sum or tax collected from each person by virtue of this act; and shall deliver such book on oath, and pay the amount of the monies so collected, into the hands of the clerk of the town, to be disposed of for the purposes in this act directed; reserving to himself one shilling in the pound, for all sums by him collected, and so paid as aforesaid; and in case any collector shall refuse or neglect to deliver such book on oath, or refuse or neglect to pay the money so by him in manner aforesaid collected, on or before the first day of February in every year, and be thereof convicted before any justice of the peace, such collector shall forfeit and pay unto the clerk of the town twice the sum, for which such clerk shall be bound to account in manner herein after mentioned, which forfeiture shall be applied to, and for the purposes directed by the seventh section of this act.

Collection
of tax, how
enforced.

And be it further enacted by the authority aforesaid, That if any person or persons, having property in or keeping any dog of what kind soever as aforesaid, shall neglect or refuse to pay unto the collector or collectors of the respective towns, the sum or sums as aforesaid, it shall and may be lawful, and it is hereby enjoined on and made the duty of such collector or collectors, to commence and prosecute his or their action or actions, against any delinquent or delinquents, for the recovery of the same, with costs of suit, before any justice of the peace, within the county; and if any person or persons shall deny, that he, she or they, have property in, or keep any dog, yet if it can be proved that such person or persons, are in possession of, or suffer any dog to remain about his or her house, for twenty days before the demand by any collector, he, she or they, shall be deemed to be the owner or owners of such dog, and be liable to the payment of the tax aforesaid, to be recovered in the manner herein before directed; and if any dog shall keep about any persons house, and continue there for twenty days, and no person appears within that time to claim and take away such dog, it shall and may be lawful for such person having such dog about his or her house, to keep or kill the same, at any time after the expiration of the said twenty days.

Sheep
killed
by dogs,
town clerk
to pay for.

And be it further enacted by the authority aforesaid, That when any person or persons, within any of the said towns, shall have sustained damages by his sheep being worried or killed by any dog, it shall and may be lawful for such person, so sustaining damage, to call in the fence viewers of such town, for the time being, who shall reside next adjacent to the person or persons where such damage shall be sustained, and such fence viewers are hereby required and enjoined to view the sheep so hurt or killed, and if it shall appear to their satisfaction, or to the satisfaction of the major part of them, that such sheep were hurt or killed by a dog or dogs only, and that the owner or owners of such dog or dogs cannot be discovered, then the said fence viewers shall certify the amount of the damage so sustained, which certificate shall be a sufficient voucher to the clerk of the town for paying the sum in such certificate expressed, out of any monies which may from time to time come into his hands, by virtue of this act; *provided always,* that before such certificate shall be discharged by the clerk, the person or persons having sustained the damage therein mentioned, shall make oath before a justice of the peace, that he doth not know by whose dog or dogs such damage was occasioned, and that whenever the same shall come to his knowledge, he will give notice thereof to the clerk, which oath shall be endorsed on

such certificate, and subscribed by such person or persons, as well as by the justice before whom the said oath shall be made.

And be it further enacted by the authority aforesaid, That whenever the clerk shall in any way whatsoever discover, by whose dog or dogs such damage was done, he shall and is hereby authorized to sue for and recover such damage so by him paid, in the manner directed by the eighth section of this act, as if such damage had been immediately sustained by such clerk; and the monies so recovered, shall be applied in the same manner, as the said tax is directed to be applied.

Owner of
dog to be
prosecuted
by clerk.

And be it further enacted by the authority aforesaid, That the clerk of every such town, shall immediately after every annual town election, enter into a bond to the supervisor of the town, in such sum as the supervisor and assessors then present, or the major part of them shall direct, conditioned that he will truly and faithfully account for the monies so by him to be received, on the last day of the next annual town meeting; and in case of default or nonpayment of the monies which shall be in his hands at the time aforesaid, if thereunto required by the supervisor, it shall and may be lawful to the supervisor for the time being, to prosecute in his own name, for the penalty in such bond expressed; which penalty when recovered, shall be paid to the overseers of the highways of the same town, to be applied in like manner as the surplus money is directed to be applied by the seventh section of this act: And no action or suit to be commenced or prosecuted by any supervisor or town clerk, by virtue or in pursuance of this act, shall be abated or discontinued by the death or the expiration of the office of such clerk or supervisor, but shall and may be continued and prosecuted to effect, by the successors in office of the same clerk or supervisor.

Bond of
clerk for
dog money

And be it further enacted by the authority aforesaid, That if at the end of any two years, there shall appear to be a surplus of money remaining in the hands of such clerk, it shall and may be lawful to and for the supervisor and assessors, or the major part of them, by writing under their hands, to direct such surplus money to be paid into the hands of such overseer or overseers of the highways, as they may deem proper, to be applied by such overseer or overseers in repairing bridges and roads in the town, as the commissioners of the highways shall direct.

Surplus
money to
be paid to
highway
fund.

And be it further enacted by the authority aforesaid, That if any dog shall kill or wound any sheep or lamb in this State, the owner or possessor of such dog, shall pay to the owner of such sheep or lamb, so killed or wounded, the full value thereof, to be recovered with costs of suit, before any justice of the peace, of the county where such offence shall be committed; and levied by distress and sale of the goods and chattels of the owner or possessor of such dog: And if sufficient goods and chattels for that purpose shall not be found, then the owner or possessor of such dog, shall be committed to the common gaol of the same county, there to remain until the damage and costs shall be paid or satisfied. And if the owner or possessor of such dog, do not within forty eight hours after judgment so given against him, or her, kill, or cause such dog to be killed, he or she shall forfeit the sum of twenty shillings, and the further sum of ten shillings for every forty eight hours thereafter, until such dog shall be killed; unless it shall appear to the satisfaction of the justice before whom any suit shall be brought for the recovery of such forfeiture, that it was not in the power of the owner of such dog to kill the same; to be recovered and levied with costs of suit, in the manner aforesaid, to and for the use of any person who shall sue for the same.

Owner of
dog to pay
for sheep
killed or
injured;
dog to be
killed.

Killing of
dogs
caught
worrying
sheep.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, who shall see any dog chase, worry or wound any sheep or lamb, to kill such dog: And if such person do not or cannot kill such dog, he shall give notice thereof to the owner or possessor of such dog: and if such dog shall not be killed within forty eight hours, after such notice the owner or possessor of such dog shall forfeit the sum of twenty shillings, and the further sum of ten shillings for every forty eight hours thereafter, until such dog shall be killed, unless it shall appear to the satisfaction of the justice before whom any suit shall be brought for the recovery of such forfeiture that it was not in the power of the owner of such dog to kill the same; to be recovered and levied in the manner aforesaid to and for the use of any person who shall sue for the same.

Provided always, that nothing in this act contained, shall prevent any shepherd from making use of dogs to drive or turn sheep under his care, or to prevent any other person from making use of dogs to drive his own sheep.

Assess-
ment of
sheep.

And be it further enacted by the authority aforesaid, That the assessors in every town within this State, shall annually, when they make an estimate of the personal property of the inhabitants thereof, take an account of the number of sheep kept by each inhabitant; and if such number exceeds fifty, the assessors shall only consider the excess as taxable property, and shall rate such excess and no more.

And whereas accidents are frequently occasioned by dogs running into the highways, and attacking travellers, to prevent which:

Travellers
attacked
by dogs.

Be it further enacted by the authority aforesaid, That if any dog shall run out of any person's house, or inclosure, and shall attack any person peaceably travelling on any highway, or shall attack any horse in any carriage, or on which any person is mounted, and complaint thereof be made to any justice of the peace, and if it shall appear to the satisfaction of such justice, that such complaint is well founded, and that such dog is dangerous to travellers, it shall be the duty of such justice, to order and direct the owner of such dog to kill the same; and if such owner doth not within forty eight hours after having received such order kill, or cause such dog to be killed, he or she shall forfeit the sum of twenty shillings, and the further sum of ten shillings for every forty eight hours thereafter, until such dog shall be killed, to be recovered and applied in the manner directed by the eighth section of this act.

Jury trials.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any party plaintiff, or defendant, in any suit to be brought by virtue of this act, to have such suit tried by a jury; such jury to consist of six men, being freeholders.

Richmond
county
exempted.
Act recited
repealed.

Provided always, That this act, except the tenth section thereof, shall not extend to the county of Richmond.

And be it further enacted by the authority aforesaid, That the act entitled "An act to lay a tax on dogs in the city of New York," passed the 21st day of March 1785 shall be and hereby is repealed.

CHAP. 23.

AN ACT to make good the pay of Francis Cranbury.

PASSED the 13th of February, 1789.

Preamble.

WHEREAS the United States in Congress assembled did by their act of the fifteenth day of May, one thousand seven hundred and eighty

eight, resolve, "that it be recommended to the State of New York, to make good the pay of Francis Cranbury late a soldier in the third battalion of New York forces, from the twenty fifth of August, one thousand seven hundred and seventy eight, to the fourteenth of September, one thousand seven hundred and eighty inclusive, and charge the same to the United States." Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the treasurer of this State, and he is hereby authorized and required, to issue to the said Francis Cranbury, a certificate, in which shall be specified the amount in value of the depreciation of his pay, from the twenty fifth of August one thousand seven hundred and seventy eight, to the fourteenth of September one thousand seven hundred and eighty inclusive, and to charge the same to the United States, which certificate shall be similar to those issued to the line of this State, late in the service of the United States.

Settlement
of account
of Francis
Cranbury.

CHAP. 24.

AN ACT for the relief of debtors, with respect to the imprisonment of their persons.

PASSED the 13th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That every person who now is, or at any time hereafter shall be, actually confined in any gaol within this State, upon execution, or upon any other writ or process, or by virtue of any judgment or order of any court of justice, or warrant from any judge justice of the peace, or other officer, for any debt or debts, sum or sums of money, or fine or fines, forfeiture or forfeitures, none of which do or shall exceed the sum of ten pounds, exclusive of costs, and shall have remained, or shall remain, so confined in gaol for the space of thirty days, shall be discharged from such imprisonment; and the sheriff, gaoler, or keeper of the gaol, in which such person is or shall be confined as aforesaid, shall upon application to him by the person so confined, discharge such person out of custody, if detained for such debt or debts, sum or sums of money, fine or forfeiture only, and for no other cause; and no such sheriff or gaoler shall be liable to any action of escape, or other suit or information, upon account thereof. And if any action, suit or information, shall be brought or exhibited, against any sheriff or gaoler, for or on account of any such discharge, such sheriff or gaoler, may plead the general issue, and give this act, and the special matter in evidence. And if the plaintiff shall be nonsuited or discontinue the action, or judgment be given for the defendant in such action, the defendant shall have treble costs.

Persons
confined on
civil pro-
cess for
less than
£10 to be
discharged
at end of
thirty days

And be it further enacted by the authority aforesaid, That no person discharged from imprisonment by virtue of this act, shall at any time thereafter be imprisoned for the same cause; and if any person so discharged shall be arrested for the same cause, it shall be lawful for any judge of the court out of which the process upon which such person shall be arrested shall have issued, or any justice of the peace who shall have issued such process, to discharge such person out of custody; so as such person do enter an appearance or give a warrant to some attorney to appear and plead to such action.

Person dis-
charged
not to be
rearrested
for same
cause.

Debts and judgments not affected by discharge.

Provided always, and be it further enacted by the authority aforesaid, That notwithstanding such discharge, all and every debt and demand against such person so discharged, and all and every judgment and decree had or obtained, or to be had or obtained, against him or her, shall stand and be good, and effectual in law, to all intents and purposes, against the lands, tenements, hereditaments, goods and chattels of the person so discharged, his arms and accoutrements excepted, which he or she, or any person or persons for him or her, had at the time of such discharge, or at any time thereafter shall have, or be in any wise seized or possessed of, or entitled to, in law or equity; and it shall and may be lawful for any creditor of such person so discharged, at whose suit such person was confined at the time of such discharge, and for the executors or administrators of such creditor, and for the officer who ought to prosecute for any fine or forfeiture, for which such person so discharged was imprisoned, to take out, sue and prosecute, at any time or times after such discharge, a new execution, or other process, for the recovery of such debt or debts, sum or sums of money, fine or forfeiture, with the costs for which such person was so imprisoned, at the time of such discharge, against the lands and tenements, goods and chattels, of such person so discharged, his arms and accoutrements excepted in such sort manner and form, as might have been done, if such person had never been taken in execution, or committed for such debt or debts, sum or sums of money, fine or forfeiture; and in case no judgment is, or shall be obtained, by such creditor, against such person so discharged, at the time of such discharge, then it shall be lawful for such creditor, to continue and prosecute his or her action to judgment, and to bring and prosecute any other action or suit for the recovery of the said debt or debts, or sum or sums of money, and to take out such execution for the sum so recovered, with the costs, against the lands and tenements, goods and chattels, of the person so discharged, his arms and accoutrements excepted, as he might heretofore have done; but the person of such debtor so discharged, shall not be imprisoned by virtue of any such execution, judgment or proceeding, for the recovery of any such debt or debts, sum or sums of money, fine or forfeiture, or the costs thereof.

Execution for less than £200; petition by debtor for discharge; inventory of property

And be it further enacted by the authority aforesaid, That from and after the first day of February which will be in the year of our Lord one thousand seven hundred and ninety, if any person shall be charged in execution for any sum or sums of money, not exceeding in the whole the sum of two hundred pounds, or on which execution or executions there shall at any time remain due, as shall be made appear by oath, a sum or sums of moneys, not amounting to above the said sum of two hundred pounds, and shall be minded to deliver up to his or her creditor or creditors, who shall so charge him or her in execution, all his or her estate and effects, for or towards the satisfaction of the debt or debts wherewith he or she shall so stand charged, it shall and may be lawful to and for every such prisoner, at any time after he or she shall be charged in execution, by his or her creditor or creditors, to exhibit a petition to the court from whence the process issued, upon which such prisoner was taken, or charged in execution, or to the court into which any such prisoner shall be removed by habeas corpus or shall be charged in custody, and shall remain in the prison thereof, certifying the cause or causes of his or her imprisonment, and not only setting forth in every such petition, a just and true account of all the real and personal estate which he or she so petitioning, or any person or persons, in trust for him or her, is or are, or was, or were, entitled to, at the time

of his or her so petitioning, and of all incumbrances and charges, (if any there be) affecting any such real or personal estate, of the person so petitioning, but also a just and true account of all the real and personal estate, which any such prisoner, or any person or persons in trust for him or her, or for his or her use, was or were interested in, or entitled to, at the time of his or her first imprisonment in the action in which such person shall be so charged in execution, either in possession, reversion, remainder or expectancy, to the best of the belief of every such prisoner, and so far as his or her knowledge extends concerning the same; and likewise a just and true account of all securities, wherein any part of the estate of any such prisoner may consist, and of all the deeds, evidences, writings books, bonds, notes and papers, concerning the same, or relating thereto; and the names and places of abode of the witnesses to all such securities, bonds or notes, and where they are respectively to be met with, so far as his or her knowledge extends concerning the same; and before any such petition from any such prisoner, shall be received by any such court, every such prisoner shall give or leave, or cause to be given or left unto and for all and every creditor or creditors, at whose suit any such prisoner shall stand charged in execution as aforesaid, or his her or their executors or administrators, and at his, her or their usual place of abode, (or to or for his her or their attorney or agent, last employed in any such action, suit, cause or causes, in case any such creditor or creditors his her or their executors or administrators, cannot be met with, but not otherwise) fourteen days at least before any such petition shall be presented and received, a notice in writing, signed with the proper name or mark of every such prisoner, importing therein, that such prisoner or prisoners as aforesaid, doth or do intend to petition the court from whence the process issued upon which he, she or they stand charged in execution, or into which any such prisoner or prisoners shall have been removed by habeas corpus, or shall stand charged in execution, on any judgment recovered on any bill or declaration filed or delivered in such court; and also setting forth in every such notice or writing, a true copy of the account or schedule, including the whole real and personal estate, of the person so designing to petition, which he or she doth intend to deliver to such court (other than, and except his arms and accoutrements, and the necessary wearing apparel and bedding of such prisoner, and his or her family, and the tools or instruments of his or her trade or calling, not exceeding twenty pounds in value in the whole) and an affidavit of the due service of every such notice, shall be delivered with every such petition, at the time of presenting thereof, and openly read in the court to which such petition shall be addressed; and if such court shall thereupon be satisfied of the regularity of every such notice, such petition shall be received; and the court shall thereupon, by rule or order of the same court, cause every such prisoner so petitioning, to be brought up to such court, on some certain day, in such rule or order to be specified; and the creditor, or several creditors, at whose suit any such prisoner shall stand charged in execution as aforesaid, his her or their executors or administrators, to be summoned to appear personally, or by his her or their attorney, in such court, at some certain day to be specified in such rule or order for that purpose; and if any creditor or creditors, of any such prisoner who shall be so summoned, his, her or their executors or administrators, shall appear in person, or by his her or their attorney, or if any such creditor or creditors, his, her or their executors or administrators, shall refuse or neglect to appear in person, or by his her or their attorney, then upon affidavit of the due service of such rule or

order, on him, her or them, or his, her or their attorney, if any such creditor or creditors, his her or their executors or administrators, cannot be met with, such court shall in a summary way, examine into the matter of every such petition, and hear what shall or can be alleged on either side, for and against the discharge of any such prisoner, or prisoners, who shall so petition: And upon such examination, every such court is hereby required to administer or tender to the prisoner or prisoners respectively, who shall so petition, and give such previous notice thereof, as herein before is directed, an oath to the effect following, that is to say, I

Oath of
petitioner.

do swear that the account by me set forth in my petition presented to this honorable court, doth contain a true and full account of all the estate, debts, credits and effects whatsoever, which I, or any in trust for me, at the time of my first imprisonment in this action, or at any time since, had, or was in any respect entitled to, in possession, reversion remainder or expectancy, except the arms and accoutrements and wearing apparel and bedding of or for me, and my family (if such prisoner hath any family) and the tools or instruments of my trade or calling, not exceeding twenty pounds in value in the whole, and also an account how much of my estate, debts, credits or effects, hath since been disposed of, released or discharged, and how, to whom, and on what consideration, and for what purpose, and how much thereof I, or any person or persons in trust for me, have or at the time of presenting my said petition to this honorable court, had, or which I am, or was, or any person or persons in trust for me, or for my use is any ways interested in, or entitled to, in possession, reversion, remainder or expectancy; and also a true account of all deeds, writings, securities, bonds, notes, books and papers, relating thereto, and where the same now are, to the best of my knowledge and belief; and what charges are now affecting the real estate I am now seized of, or entitled to, (if such prisoner hath any real estate) and that I have not at any time before or since my imprisonment, directly or indirectly, sold, leased, assigned, mortgaged, pawned, or otherwise disposed of or made over, in trust for myself, or any other person, otherwise than is mentioned in such account, any part of my messuages, lands, tenements, estates, goods, stock, money, debts, or other real and personal estate, whereby to have or accept any benefit, advantage or profit to myself or my family, or with any view, design or intent, to deceive, injure or defraud, any of my creditors, to whom I am indebted.

Prisoner to
be dis-
charged by
order of
court on
assignment
of property

And in case any prisoner as aforesaid, shall in open court take the said oath, such court in which any such oath as aforesaid shall be taken, may then immediately order the messuages, lands, tenements, goods and effects, contained in such account, or so much of them as may be sufficient to satisfy the debt or debts, wherewith such prisoner shall stand charged in execution, and the fees due to the sheriff or keeper of the gaol, or person from which such prisoner was brought, to be by a short indorsement on the back of such petition, and to be signed by the prisoner, assigned and conveyed to the creditor or creditors (if more than one) who shall have charged such prisoner in execution, or to some or one of them, or to some other proper person or persons, as such court shall order and direct, and to his her or their heirs executors, administrators and assigns, for the benefit of him, her or them, who shall have so charged such prisoner in execution, subject nevertheless to all prior incumbrances affecting the same; and the estate, interest and property, of all messuages, lands, tenements, goods, debts, estates and effects, which shall belong to any such prisoner, shall by such assignment and conveyance as aforesaid, be vested in the person or persons to whom

any such assignment or conveyance shall be made, according to the estate and interest such prisoner had therein; and the person or persons to whom any such assignment and conveyance shall be made, shall and may take possession of all such estate and effects, and sue in his her, or their name or names, for the recovery thereof; and no release of any such prisoner, his or her executors or administrators, or any trustee for him or her, subsequent to such assignment or conveyance, shall be pleadable, or be allowed of, in bar of any action or suit, which shall be commenced by any such assignee or assignees, of any such prisoner, for the recovery of any of his or her estate or effects, and upon every such assignment and conveyance being executed by any such prisoner, he or she shall be discharged out of custody, by rule or order of such court; and a certified copy of such rule or order being produced to, and left with any sheriff or gaoler, shall be a sufficient warrant to him to discharge every such prisoner, if charged in execution, or detained for the cause mentioned in his or her petition, and no others; and every such sheriff or gaoler is hereby required on having such order produced to him, and a copy thereof left with him, to discharge and set at liberty forthwith, every such prisoner who shall be ordered as aforesaid to be so discharged, without taking any fee, or detaining him or her in respect of any demand of any such sheriff or gaoler, for or on account of chamber rent, lodging or otherwise, or for or in respect of any fees theretofore claimed or due to any such sheriff or gaoler, or to any employed by or under either of them, and no such sheriff or gaoler shall afterwards be liable to any action of escape, or other suit or information, on that account, or for what he shall do in pursuance of this act; and the person or persons to whom the estate and effects of any such prisoner shall be assigned and conveyed, as aforesaid, shall, with all convenient speed, sell and dispose of the estate and effects, of every such prisoner, which shall be so assigned and conveyed, and divide the net produce of all such estates and effects amongst the creditors of such prisoner, if more than one, who shall have charged such prisoner in execution, before the time of his or her petition to be discharged, shall have been presented, first paying the fees of the sheriff or gaoler, in whose custody such prisoner then was; and if any overplus shall remain of any such prisoners estate, after payment of the sum or sums for which such prisoner stood charged in execution as aforesaid, at the time he or she was so discharged, and the fees then due to the sheriff or gaoler, and all reasonable charges expended in, or by means of getting in such estate and effects, and such sums as may have been paid by such creditor or creditors, for the maintenance of such prisoner while in gaol, the same shall be paid to such prisoner, his or her executors, administrators or assigns; but in case the person or persons, at whose suit any such prisoner shall stand charged in execution as aforesaid, shall not be satisfied with the truth of any such prisoners oath, and shall either personally, or by his her or their attorney, (if he she or they cannot personally attend, and proof be made thereof to the satisfaction of such court) desire further time to inform him, her or themselves, of the matters contained therein, such court may remand any such prisoner, and direct him or her, and the person or persons dissatisfied as aforesaid, with such oath, to appear either in person, or by his her or their attorney, on some other day to be appointed by such court, sometime at farthest within the first week of the term next following the time of such examination, but sooner, if any such court shall so think fit, and all objections which shall be made, as to the insufficiency in point of form, against any prisoner's schedule of his estate and effects, shall be only made the first time such prisoner

Allowance
to prisoner
if remand-
ed at re-
quest of
creditor.

shall be brought up, and if at such second day, which shall be appointed, the creditor or creditors dissatisfied with such oath shall make default in appearing in person, or by his, her or their attorney, or in case he, she or they shall appear, if he, she or they shall be unable to discover any estate or effects of the prisoner, omitted in the account set forth in his or her petition, then and in any such case, such court shall by rule or order thereof, immediately cause the said prisoner to be discharged, upon such prisoner's executing such assignment or conveyance, of his or her estate and effects, in the manner herein before directed, unless such creditor or creditors who shall have charged such prisoner in execution as aforesaid, his, her or their executors or administrators, doth or do insist upon such prisoner being detained in gaol, and shall agree by writing signed, with his, her or their name or names, mark or marks, or under the hand of his, her or their attorney, in case any such, creditor or creditors, his her or their executors or administrators, shall be out of this State, to pay and allow weekly, a sum not exceeding four shillings as such court shall think fit, unto the said prisoner, to be paid every Monday, in every week, so long as such prisoner shall continue in gaol in execution, at the suit of such creditor or creditors; and in every such case, every such prisoner shall be remanded to the gaol from whence he or she was so brought up, there to continue in execution. But if any failure shall at any time be made in the payment of the weekly sum which shall be ordered by any such court, to be paid to any such prisoner, such prisoner, upon application in term time to the court from whence the process issued, upon which such prisoner was taken and charged in execution, or to the court by which such prisoner shall stand committed, or in vacation time, to any judge of such court, may by the order of such court or judge, be discharged out of custody, on every such execution, proof being made before such court or judge, of the nonpayment for any week, of the sum of money ordered and agreed to be weekly paid. But every such prisoner, before he or she shall be so discharged out of custody, by any such rule or order, shall execute an assignment and conveyance, of his or her estate and effects, in the manner herein before directed; and if any prisoner who shall petition or apply for his or her discharge under this act, shall refuse to take the said oath herein before directed to be taken, or taking the same, shall afterwards be detected before any such court or judge, or falsify therein, or shall refuse to execute such assignment or conveyance, of his or her estate and effects as aforesaid, every such prisoner shall be presently remanded, and continue in execution.

Where two
or more
creditors
desire pri-
soner re-
manded.

Provided always, and be it further enacted by the authority aforesaid, That where two or more creditors shall charge any prisoner in execution, and shall desire to have such prisoner detained in prison, each and every such creditor and creditors, shall only respectively pay such weekly sum of money, not exceeding two shillings and sixpence a week each, on every Monday in every week, to or for such prisoner, as the court before whom any such prisoner shall be brought to be discharged, shall at the time of his or her being remanded, on such note for the payment of the weekly sum ordered to be paid, being given, direct or appoint.

Habeas
corpus for
release of
prisoner.

And be it further enacted by the authority aforesaid, That from and after the first day of May next, where any prisoner shall be taken or charged in execution, in any action or suit in the supreme court, or on any habeas corpus, and be in any gaol in any county, other then the county in which the said supreme court shall sit, whereon there shall at any time be due a sum not exceeding two hundred pounds, then upon petition being made by any such prisoner, to the said supreme court in

the like form and manner as the petitions herein before mentioned, of prisoners, are directed to be made, and on affidavit to the purport as affidavits are herein before directed to be made, being made, and produced to the supreme court, the said supreme court, on being satisfied with the truth of such affidavit, is hereby authorised and required, to make a rule or order, to cause the prisoner so petitioning, to be brought to the next circuit court which shall be holden in and for the county where such prisoner shall be imprisoned, and the expence of bringing every such prisoner to any such circuit court, not exceeding one shilling a mile, shall be paid to the sheriff or officer who shall bring such prisoner to such circuit court, in obedience to any such rule or order as aforesaid, out of such prisoners estate or effects, if the same shall be sufficient to pay such expence, and if not, that such expence shall be paid by the treasurer of the county where such prisoner shall be imprisoned, out of the monies raised, or to be raised for the contingent charges of such county, as the same shall be allowed ordered and directed by the same supreme court, or the judge or judges who shall hold such circuit court; and the creditor or creditors, if there be more than one, his, her or their executors or administrators, at whose suit any such prisoner shall stand charged in execution as aforesaid, shall by rule or order of the said supreme court, be summoned to appear at the said circuit court, if such creditor or creditors, his, her or their executors or administrators can be met with, and if not, then the attorney last employed for such creditor or creditors, shall be summoned to appear there, and a copy of every such rule or order shall be served on every such creditor or creditors, his, her or their executors or administrators, or be left at his her or their dwelling house, or usual place of abode, or with his her or their attorney last employed as aforesaid, fourteen days at least before the holding of such circuit court; and on an affidavit of such service thereof being laid before such circuit court as aforesaid, the same court, on being satisfied with the truth of such affidavit, is hereby required to appoint a time for hearing the matter upon every such petition as aforesaid, on some certain day and time during the holding of such circuit court, and upon the appearance thereof the creditor or creditors so summoned, his, her or their executors or administrators, in person, or by attorney, or in default of the appearance in person, or by attorney, of the party or parties who shall have been summoned so to appear, then on proof of his her or their being duly served with the notice hereby required to be given, and a copy of the account of the real and personal estate of the prisoner desiring to be discharged, being comprised in such notice, and also of the rule of the said supreme court, for his, her or their appearance at such circuit court, having been duly served, as herein before is directed, the said circuit court shall then in a summary way, examine into the matter of every such petition, and hear what can or shall be alledged on either side for or against the discharge of every such prisoner so petitioning; and upon every such examination such circuit court is hereby empowered and required, to administer or tender to every such prisoner the same oath as herein before is directed and appointed, to be taken by such prisoner; and such circuit court is hereby authorised and required to make such order in the premises, as to the same court shall seem meet, and to proceed in the same manner concerning the discharge of every such prisoner, and to give the same judgment, relief and directions relating thereto, as any court out of which any process shall issue against any such prisoner as aforesaid, is herein before empowered and directed to do; and every order which shall be made in the premises by any such

circuit court, shall be as valid and effectual as if the same had been made in the court out of which the process issued, on which any such prisoner was charged in execution; and the same shall be made a record of the proceedings at such circuit court, and a copy thereof signed by the judge or judges who shall hold such circuit court, shall from thence be transmitted to the said supreme court, to be a record of the said supreme court, and to be kept as such, amongst the other records thereof.

Penalty
when
debtor con-
victed of
perjury.

And be it further enacted by the authority aforesaid, That if any person who shall take any oath by this act required to be taken, shall upon any indictment for perjury be convicted by his or her own confession, or by verdict of twelve lawful men, every person so convicted shall suffer the pains and forfeitures which by law are to be inflicted on any person guilty of wilful and corrupt perjury, and shall likewise if discharged out of execution by virtue of this act, be liable to be taken on any process de novo, and charged in execution for the said debt, in the same manner as if he or she had not been discharged, or had not been taken and charged in execution before, and shall never after have the benefit of this act, any thing herein before contained, to the contrary notwithstanding.

Discharged
prisoner
not to be
rearrested.

And be it further enacted by the authority aforesaid, That no prisoner who shall be so discharged by virtue of this act on such petition as aforesaid, shall ever after be arrested for the same debt or debts, nor shall any action of debt be brought against him, or her, on any such judgment, unless he or she shall under this act be convicted of wilful perjury: But notwithstanding any discharge obtained by virtue of this act for the person of any such prisoner, the judgment obtained against every such prisoner shall continue and remain in force, and execution may at any time be taken out thereon, against the lands, tenements, goods and chattels of any such prisoner, other than and except, the necessary wearing apparel and bedding, for him or her, and his or her family, and the necessary tools for the use of his or her trade or occupation, not exceeding twenty pounds in value in the whole, as if he or she had never before been taken or charged in execution, and released out of prison by virtue of, or under this act.

Composi-
tion of
claims by
assignee.

IX. And be it further enacted by the authority aforesaid, That all and every assignee and assignees to whom by virtue of this act the estate or effects of any prisoner shall be assigned and conveyed, is and are hereby empowered to make composition with any debtor or accountant to such prisoner, where the same shall appear necessary or reasonable, and to take such part of any debt or demand as can upon such composition be gotten, in full discharge of such debt or demand; and also to submit any difference or dispute concerning any part of such prisoners estate or effects, or by reason or means of any matter cause or thing relating thereto, or to such prisoner, or in respect of any debt or sum of money, or other thing, claimed to be due or belonging to such prisoner, at the time of his or her discharge to the final end and determination of arbitrators, to be chosen by the said assignee or assignees, and the party or parties with whom any such difference or dispute shall be; and if such arbitrators cannot agree in the same, then to submit the same to the determination of any umpire to be chosen by them, or otherwise to settle and agree the matter in difference or dispute between them, in such manner as such assignee or assignees shall think fit, and can agree; and the same shall be binding to all the said prisoners creditors as aforesaid, who shall have charged him or her in execution, and also to every such prisoner; and every such assignee and assignees is and are hereby indem-

nified, for what he or they shall fairly and without any fraudulent design do in the premises, according to the directions of this act.

And to the intent that the estates and effects of every such prisoner who shall be discharged by virtue of this act, may be truly and fairly applied, *Be it further enacted by the authority aforesaid*, That it shall be lawful for the respective courts out of which the process issued upon which any such prisoner so discharged was committed in execution, or any judge of any such court, and for the supreme court, or any judge thereof in all cases, and at any time or times, on the petition of any creditor or creditors, who had charged any such prisoner in execution, or of any such prisoner, to such court, or to any judge thereof, complaining of any insufficiency, fraud, mismanagement or other misbehaviour, of any such assignee or assignees, to order the respective parties concerned, to attend such court, on the matter of every such petition, at some certain time, in such order to be mentioned; and every such court on hearing the parties concerned therein, is hereby authorised to make such order, and give such directions in the premises, either for the removal or displacing of such assignee or assignees, and appointing any new or other assignee or assignees, in the place or stead of such assignee or assignees, so to be removed or displaced, or for the prudent, just or equitable management or distribution of the said estate and effects or any part thereof, for the benefit of the respective creditors as aforesaid, of such prisoner, as such court shall think fit; and in case of the removal or displacing of any assignee or assignees, and the appointing any new assignee or assignees, the estates and effects of such prisoner, shall from thenceforth be divested out of the assignee or assignees so removed or displaced, and be vested in and delivered over to such new assignee or assignees, in the same manner, and for the like intents and purposes, as the same were before vested in the former assignee or assignees.

Removal
of assignee
for fraud.

And be it further enacted by the authority aforesaid, That where mutual credit shall have been given between any prisoner who shall be discharged under this act, and any other person or persons, bodies politick or corporate, before the delivery of any schedule or inventory of the estate and effects of such prisoner upon oath, as by this act is directed, then and in every such case, the respective assignee or assignees of such prisoner, shall have power, and is and are hereby required on his and their part and parts, to state and allow an account between them; and nothing more shall be deemed, to be vested by any assignment or conveyance which shall be made by virtue of this act, as the estate or effects of such prisoner, than what shall appear to have been due, and to be justly coming to him or her, on, or for the ballance of such account, when truly stated.

Mutual
accounts.

And be it further enacted by the authority aforesaid, That if any plaintiff shall at any time after the first day of May next, obtain judgment in any court of record, in any action against any defendant in custody of any sheriff or other officer, either upon the process in the same action, or upon being surrendered in discharge of the bail, or otherwise, and shall not charge such defendant so remaining a prisoner in execution, within three months next after such judgment obtained, then such defendant so remaining in prison, may be discharged out of custody by a supersedeas, to be allowed by one of the judges of the court in which such judgment shall be obtained; and where any defendant shall be surrendered in discharge of his or her bail, after judgment obtained against such defendant, and be thereupon committed to gaol, and the plaintiff shall not charge such defendant so surrendered, and remaining in gaol in execution, within three months next after such sur-

Where ex-
ecution not
issued in
three
months
against
creditor
confined
on process.

render, such defendant remaining in prison, may be discharged out of custody, by a supersedeas to be allowed by one of the judges of the court, in which such judgment shall be obtained.

Assign-
ment of
debtor on
petition of
creditor.

XIII. *And be it further enacted by the authority aforesaid,* That where any person, shall be confined or charged in execution, on or after the said first day of May next, for any debt of damages not exceeding the sum of two hundred pounds, besides costs, and shall have so remained in execution for the space of three months, then any creditor at whose suit such person shall have been so charged in execution, and his or her executors or administrators, is and are hereby authorised and empowered, by notice in writing, signed with the name or mark of such creditor, his, or her, executors or administrators, or his, her or their attorney, to require the said prisoner to exhibit such account, and make such assignment, as are hereinbefore directed, and in all other respects to comply with the directions of this act, as if he, or she, had voluntarily petitioned in the manner herein before prescribed. And if such prisoner shall not thereupon as soon as may be, after the expiration of thirty days from the time that such notice shall have been served upon him or her, take such measures as are hereinbefore directed to be pursued, in order to entitle him or her to a discharge or allowance by virtue of this act, such prisoner shall be forever barred and precluded from any discharge or allowance, which he or she might otherwise be entitled to, upon a compliance with the directions herein before contained.

Extent of
act.

And be it further enacted by the authority aforesaid, That this act with respect to persons charged in execution, for any sum or sums of money not exceeding in the whole the sum of two hundred pounds, shall be construed to extend as well to prisoners who shall be committed to gaol after the said first day of February as to prisoners who shall be in gaol on the said first day of February which will be in the year one thousand seven hundred and ninety.

Property
exempt.

And be it further enacted by the authority aforesaid, That no person having a family, not being a freeholder within this State, shall be imprisoned or committed to gaol, upon any execution to be issued by virtue of the act entitled "An act for the more speedy recovery of debts to the value of ten pounds" for any debt, damages or costs, for or upon any contract matter cause or thing, to be made, happen, or be done, after the first day of May next, and that on every execution to be issued in such case, the officer to whom the same shall be directed, shall be commanded to levy the debt or damages, and costs, of the goods and chattels of the person against whom the same shall be granted, his arms and accoutrements excepted, and to bring the money at a certain time and place, before the justice who issues such execution, to render to the party who recovered the same; and if no goods or chattels shall be found, or not sufficient to satisfy such execution, the party recovering the judgment, may from time to time renew such execution, or have further execution against the goods and chattels of the party against whom such judgment is recovered, or may bring an action of debt thereon, but shall not have any execution against the body of such defendant, for any such debt or damages.

Section of
act recited
extended
to prison-
ers now in
jail.

And be it further enacted by the authority aforesaid, That the eighth section of the act entitled, "An act for giving relief in cases of insolvency," passed the twenty first of March, one thousand seven hundred and eighty eight, shall extend to all persons who have, or shall have been actually imprisoned for sixty days and upwards, upon any civil actions; notwithstanding such person so imprisoned did not use the trade or merchandise, or get the greatest part of his living by trade or

merchandise, upon the application and affidavit being made by the creditor therein mentioned, that the sum of money due to him from such debtor, exceeds ten pounds.

CHAP. 25.

AN ACT for regulating the fees of the several officers and ministers of justice, within this State.

PASSED the 18th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Fees of public officers regulated.
That no officer or other person, shall exact, demand or ask, or be allowed, any greater or other fee or reward, for or in respect of any service, to be done or performed after the first day of June next, than such as is herein after specified; that is to say;

IN THE COURT FOR THE TRIAL OF IMPEACHMENTS AND CORRECTION OF ERRORS.

The clerks fees.

For	{	Reading and filing the writ, return and record, three shillings;	Clerk of court of errors.
		Filing every affidavit or other proceeding one shilling;	
		Entering every rule one shilling and six pence;	
		Every certified copy of a rule one shilling and six pence;	
		Entering every appearance, one shilling;	
		Entering every judgment, or dismissal, two shillings;	
		Entering the judgment and remittitur on the roll, for each sheet containing seventy two words, one shilling;	
		The seal to any record or process four shillings;	
{	Copies of records pleadings and other proceedings, for each sheet containing ninety words, nine pence;		
	Taxing a bill of costs four shillings;		

The cryers fees.

In each cause, three shillings.

Crier.

IN THE COURT OF CHANCERY.

The chancellors fees.

For	{	The seal to every common writ, two shillings and three pence;	Chancellor
		The seal to exemplifications five shillings;	
		Every decree forty shillings;	
		Every dismissal of a bill for want of prosecution, ten shillings;	
		Every opinion or order upon petition, or motion controverted, and argued in court, ten shillings;	
		Every order on petition out of court, five shillings;	
		Appointing a guardian ten shillings;	
{	Signing a dedimus to take a fine three shillings.		

*The masters fees.*Master in
chancery.

For

Every summons three shillings;
 Copies of all charges and discharges brought in before the master, for each sheet containing ninety words, nine pence;
 Scheduling writings, for each sheet of such schedule, containing ninety words, nine pence;
 Every report in pursuance of an order made upon hearing a cause, ten shillings;
 Every other report made upon petition or motion only, five shillings;
 Taking the acknowledgment or proof of a deed or mortgage, three shillings, a lease and release, to be considered as one deed;
 Drawing every report, for each sheet containing ninety words, one shilling;
 Every copy thereof each sheet as aforesaid nine pence;
 Swearing a defendant to an answer or plea, or swearing a witness, or taking an affidavit, one shilling;
 Signing every exhibit brought before him, one shilling;
 The caption and writing of every recognizance, three shillings;
 Taxing every bill of costs before a decree, three shillings;
 Taxing a bill of costs after a decree, six shillings.

And all costs of the party plaintiff, including officers fees, whensoever costs shall be directed to be taxed, shall be taxed in one bill only; and in like manner all the costs of the party defendant, including officers fees, shall be taxed in one bill only, and only one fee shall be allowed for any such one taxation.

And where monies are ordered by the court to be put out by a master, or where an estate is ordered to be sold by a master, and where the master is ordered to take an account of an estate, or between partners in trade, the chancellor shall make such allowance to the master for the same, as he shall judge reasonable.

*The registers fees.*Register in
chancery.

For

Drawing all rules and orders, for each sheet containing ninety words, one shilling and six pence, and entering the same, for each sheet nine pence;
 Reading and filing every report, petition or other paper, one shilling;
 Copies of all rules, orders, reports, affidavits, records and proceedings, for each sheet containing ninety words, nine pence;
 Every certificate one shilling and six pence;
 Entering a cause for hearing, one shilling;
 Making or certifying notes of the causes that stand for hearing, for grounding a subpoena to hear judgment, for each cause, one shilling and six pence;
 Drawing every decree, for each sheet containing ninety words, one shilling and six pence, but no record, writing, report, order or proceeding, to be inserted therein verbatim, or in hæc verba, shall be computed as any part of such draft;
 Ingrossing every decree, including all reports, orders and other proceedings, records, and writings, inserted therein, for each sheet containing ninety words, and including parchment, one shilling;

- For { Entering every dismissal, four shillings;
 Examining and signing every decree, and attending the chancellor to get the same signed by him, eight shillings;
 Searching for any order or decree, for every year in which such search is made, six pence;
 Entering all attachments and proclamations, nine pence, for each person;
 Entering every amerciament, one shilling and six pence;
 Entering an appearance upon process of contempt, one shilling;
 Engrossing all depositions, exhibits, records and pleadings, to be exemplified, for each sheet containing ninety words, nine pence;
 Poundage on all deposit money six pence in the pound, and on all other money brought into court by special order, and lodged with him, three pence in the pound;

The clerks fees.

- For { Drawing and engrossing every subpoena or attachment, including parchment, five shillings; Clerk in chancery.
 Drawing all other writs and commissions, when done by him, for each sheet containing ninety words, one shilling and six pence; and engrossing when done by him, for each sheet including parchment, one shilling;
 Entering the defendants appearance, and certificate thereof, and serving the same, two shillings; and if two or more defendants appear at one time, no more than one fee for entering and certifying their appearance, shall be allowed;
 Copies of all bills, answers and other pleadings whatsoever, for each sheet containing ninety words, six pence;
 Meeting to settle commissioners, or joining in commission, four shillings;
 Every certificate that pleadings are filed, costs of contempt paid, or other matter necessary to be certified, one shilling;
 Filing every bill, answer, plea, replication, rejoinder, demurrer or other pleading, one shilling;
 Entering a rule to answer, reply or rejoin, or other rule in the rule book, and copy thereof, and serving on the clerk of the opposite party, two shillings;
 Entering receipt of rule to answer, reply or rejoin, or other rule in the rule book, and making and serving a copy of the rule on the solicitor, two shillings;
 Searching for any bill, answer or other pleading, for every year in which such search is made, six pence;
 Attending master with rule book on taxing costs, two shillings;
 Attending court on hearing, with the pleadings, whether they are read or not, four shillings;
 Poundage on all money brought into court, and lodged with him, three pence in the pound.

The examiners fees.

- For { Taking the examination of every deponent, and making a fair copy of the same on paper for the witness to sign, for each sheet containing ninety words, one shilling and six pence, and if he travels a mileage fee of one shilling a mile, going out only; Examiner in chancery

- For { Certifying every exhibit shewn to a witness on his examination, two shillings;
 Copies of all depositions, exhibits and interrogatories, when required, for each sheet containing ninety words, six pence;
 Attending court with depositions and exhibits, four shillings.

The counsels fees.

Counsel in
chancery.

- For { A retaining fee in each cause thirty shillings, but a retaining fee shall not be taxed or allowed to the same person, both as counsellor and solicitor in the same cause;
 Perusing and signing every bill, answer, plea, demurrer and other special pleadings, interrogatories and exceptions, if not done by the person acting as solicitor in the same cause, twenty shillings;
 Every motion of course before the chancellor, four shillings; but no motion to be allowed for common process, nor for rules to answer, reply, rejoin, produce or examine witnesses, or for publication or the like, which are to be issued or entered of course by the clerks;
 Every special motion, ten shillings;
 Arguing every plea or demurrer, thirty shillings;
 Arguing before the master upon exceptions, or other special matter, twenty shillings;
 Arguing before the chancellor upon petition or exceptions, twenty shillings;
 Arguing upon the final hearing of any cause, forty shillings;
 But no costs to be taxed for more than one counsel in the same cause.

The solicitors fees.

Solicitor in
chancery.

- For { A retaining fee in every cause twenty shillings; but when the same person acts as solicitor and counsel, no retaining fee to be allowed as solicitor;
 Drawing every bill, answer, plea, demurrer, replication, rejoinder, interrogatories, exceptions and other proceedings, for each sheet containing ninety words, one shilling and six pence; but no record, writing, report, order or proceeding, to be inserted therein verbatim, or in hæc verba, shall be computed as any part of such draft;
 All engrossments, including parchment, one shilling for each sheet containing ninety words, computing all records, writings, reports, orders and proceedings, inserted therein, and all copies on paper six pence for each sheet as aforesaid;
 Attending the chancellor on petition, four shillings;
 Attending the court upon hearing, upon every argument, ten shillings;
 Attending the register upon drawing decretal order, four shillings;
 Attending the chancellor upon every common motion, four shillings;
 Attending upon every special motion when argued, six shillings;
 Serving every order, one shilling and six pence;
 Giving notice of the examination of a witness, either before the examiner or a master or commissioners, two shillings;
 Drawing instructions for the examination, two shillings;

Abbreviating every bill, answer and other pleadings, and depositions and exhibits, three pence for each sheet, containing ninety words;
 Drawing brief for counsel, one shilling and six pence for each sheet containing ninety words, and a copy thereof six pence for each sheet as aforesaid;
 Drawing charge or discharge before a master, for each sheet containing ninety words, one shilling and six pence;
 Attending the master upon any matter referred to him, four shillings;
 Attending the master upon a summons, four shillings;
 Attending on taxing costs, four shillings;
 Copy of a bill of costs to be taxed before a decree made, three shillings, after a decree six shillings;
 Drawing notice of every motion, copy and service, three shillings.

The fees of the serjeant at arms.

For {	Taking a person into custody, eight shillings;	Sergeant-at-arms.
	Mileage, for each mile going out only, one shilling;	
	The return of an order or process, one shilling;	
	Attendance at every final hearing, three shillings;	
	Serving every summons to attend a master, one shilling;	
	Taking bail upon attachment or other process, six shillings;	
And every person in contempt, before being discharged, shall besides other fees, pay to the serjeant at arms, six shillings and eight pence.		

IN THE SUPREME COURT.

Fees to the chief justice.

For {	Licence to an attorney, ten shillings;	Supreme court; chief justice.
	Taking a conusance of a fine six shillings.	

Fees to be divided among the judges present, when the service is done.

For {	Admitting a person to practise as an attorney, thirty shillings;	Judges present.
	The first motion in every cause, unless criminal, five shillings;	
	Taking the acknowledgment of a fine at the bar, six shillings.	

Fees to be paid to the judge who does the service.

For {	Taking bail, three shillings;	Judge doing the service.
	Searching for bail in any one term, one shilling; and for every term more in which search is made, six pence;	
	Allowing every writ of error, writ of privilege, habeas corpus, procedendo, certiorari, or prohibition, three shillings;	
	Taking the acknowledgment of satisfaction out of court, three shillings;	
	Taking the acknowledgment or proof of a deed or mortgage, three shillings; a lease and release to be considered as one deed;	
	Admitting an infant by guardian, or next friend, two shillings;	
	Signing a dedimus to take the acknowledgment of a fine, three shillings;	
	Taking the acknowledgment of a fine by dedimus, four shillings;	
	Examining and signing the indentures of a fine, four shillings;	
	Examining and signing the enrollments of the several parts of a fine, two shillings for each roll;	

- For { Examining and signing the enrollment of a recovery, five shillings;
Examining and signing the exemplification of a fine or recovery, five shillings;
Taxing an affidavit, one shilling;
Taking acknowledgment of a warrant of attorney for levying a fine, or suffering a recovery, or to prosecute or defend a real action, two shillings;
Allowing a warrant of attorney in other cases, one shilling;
Every attendance at his chamber on motion, or on examining a witness, five shillings;
Every order or certificate upon the act concerning insolvent debtors, three shillings;
Every warrant, order, report, or certificate or appointment of trustees, upon the act relative to absconding or absent debtors, three shillings;
Signing every judgment two shillings, and for taxing every bill of costs four shillings.

The counsels fees in the court of errors and supreme court.

Counsel.

- For { Perusing and amending every special pleading and entry, ten shillings;
Assisting on special motions, ten shillings;
Attending the court of errors to make or oppose a motion, ten shillings.
Trial of a cause, or arguing a demurrer or a special verdict, or in error, thirty shillings;

But no costs shall be taxed for counsel in any cause, but where counsel is actually employed, and then only for one counsel.

The attornies fees in the court of errors, and supreme court.

Attorneys.

- For { A retaining fee, twenty nine shillings, but where several suits are brought upon one bond, note or bill of exchange, no more than one retaining fee shall be allowed, nor shall any retaining fee be allowed in any suit, upon a bail bond, or to the defendants attorney upon confessing judgement on a bond by virtue of a warrant of attorney;
Drawing and copy of a warrant of attorney one shilling.
Drawing all process and returns, admissions of guardians or next friends, and all recognizances of bail, one shilling and six pence, for each sheet containing seventy two words;
All engrossments including parchment, one shilling for each sheet, and all copies upon paper, six pence for each sheet;
Every term, a term fee of five shillings, but no more than three to be allowed in any cause;
Drawing all pleadings, adjournments, suggestions and other necessary entries, records, bonds to prosecute, and affidavits, one shilling and six pence for each sheet containing seventy two words; but no record, writ, return, pleading, bond, covenant or other writing to be inserted verbatim, or in hæc verba shall be computed as any part of such draft;
Engrossing, including parchment, and computing all records, writs, returns, pleadings, bonds, covenants, and other writings inserted therein, one shilling for each sheet containing seventy two words; and all copies on paper six pence for each sheet;

- Every necessary motion, five shillings; but no motion to be allowed upon judgment by confession by virtue of a warrant of attorney when no suit is brought, either for entering the action, or a rule to plead;
- Every attendance before the court of errors, in order to make a motion, or to oppose a motion, five shillings;
- Arguing every special motion, ten shillings;
- A fee on trial or inquest, twelve shillings;
- Arguing demurrer, special verdict or in error, thirty shillings;
- Drawing a brief and a copy or copies thereof, nine shillings;
- Drawing up a judgment six shillings;
- Entering the judgment on the roll, three shillings;
- Every notice, copy and service on the opposite party, or his attorney, two shillings;
- Copy and service of notice of trial on the judge or judges, two shillings;
- Making a note of the issue for the judges, to be served on the clerk, with a copy of the notice of trial, and for copy and service, three shillings;
- Attendance on balloting or striking a jury or both, five shillings;
- Attendance on examining a witness, out of court, two shillings;
- Attendance on taxing a bill of cost, two shillings;
- Serving a certified copy of a rule, or a copy of a declaration, with a certified copy of a rule to plead, one shilling and six pence;
- Copy of a bill of costs to be taxed, delivered to the opposite party, or his attorney, if before issue joined, or judgment, three shillings; if after six shillings.
- And no more than one writ of execution shall be taxed in any case.

The fees of the clerk of the supreme court in civil causes.

- Sealing a writ, entering the same, filing the precipe, and entering on the docket, one shilling; Clerk, civil causes.
- Filing a declaration, or other pleading one shilling;
- Entering an appearance or default, one shilling;
- Entering every rule one shilling and six pence;
- A certified copy of a rule when required one shilling;
- Entering every nonsuit one shilling and six pence;
- Calling and swearing every jury, two shillings;
- Entering the return of a writ, and filing the writ, one shilling;
- Filing a writ of error, habeas corpus or certiorari, with the return thereof, one shilling;
- Swearing each witness six pence;
- Swearing a constable to attend a jury six pence;
- Reading every writing given in evidence, one shilling;
- Filing every roll one shilling;
- Docketting a judgment one shilling;
- Taking a verdict and entering the same in the minutes, one shilling and six pence;
- Engrossing every special verdict or demurrer to evidence, for each sheet containing seventy two words, including parchment one shilling;
- Entering a judgment one shilling and six pence;
- Entering or filing a retraxit or discontinuance, one shilling;
- Drawing and engrossing exemplifications of records, for each sheet containing seventy two words, including parchment, one shilling;

For	Copies of records and pleadings, for each sheet, containing seventy two words, nine pence;
	Attending and striking a special jury a delivering a copy of the pannel to each party, six shillings;
	Copies of records to be returned upon writs of error for each sheet containing seventy two words including parchment, one shilling;
	Filing an affidavit or other paper on request, nine pence,
	Entering satisfaction on record, one shilling and six pence;
	Searching the records in any one year, one shilling, and for every other year in which such search is made, six pence;
	Searching for a judgment six pence, for every term in which such search is made.
	Entering confession of lease entry and ouster, one shilling and six pence;
	Reading and entering a postea, two shillings;
	Swearing each witness to a will, one shilling;
	Drawing the proof of wills and codicils, one shilling and six pence for each sheet containing seventy two words;
	Recording a will or codicil, and the proof as by law directed, one shilling and six pence for each sheet containing one hundred and twenty eight words; and for copies thereof when required, one shilling for every sheet containing one hundred and twenty eight words;
	Examining and signing a note of a fine, one shilling;
	Examining and signing the indentures of a fine, three shillings;
	Making entering and endorsing each proclamation of a fine, three shillings;

Attending and examining the inrollment of the several parts of a fine, five shillings;
Examining and signing and affixing the seal to the exemplification of a fine or recovery five shillings.

Fees of the clerk of the supreme court in criminal causes, not capital, where the service is done at the request of the defendant; but no fees to be allowed in any other cases.

Clerk,
criminal
causes.

For	Entering an appearance one shilling;
	Entering the discharge of a person upon bail, one shilling;
	Entering an imparlance, one shilling;
	Entering or filing a plea, one shilling;
	Reading a record or other writing given in evidence, one shilling;
	Swearing a witness, six pence;
	Respiting a recognizance, six pence;
	Taking a recognizance in court, and entering thereof, three shillings;
	Copies of all indictments, informations and pleadings, when required for each sheet of seventy two words, nine pence.
	Entering a relinquishment of a plea, one shilling;
	Entering a submission one shilling;
	Every subpœna for witnesses, two shillings and three pence;
	Entering an order or rule of court, one shilling and six pence;
	A copy of an order or rule of court, one shilling;
	Taking and entering a verdict, when for the defendant, one shilling and six pence;

- For { Taking and copying a special verdict, for each sheet containing seventy two words, one shilling and six pence;
 Entering a judgment for the defendant, two shillings;
 Reading and entering the allowance of a pardon, or a warrant of nolo prosequi, or cessat processus, three shillings.

Fees of the clerk of the circuit courts.

- For { Entering in the judges book every cause noticed for trial, two shillings; Clerk, circuit court.
 Filing every nisi prius record, one shilling;
 Entering every rule, one shilling and six pence;
 A copy of rule one shilling;
 Entering confession of lease entry and ouster, one shilling and six pence;
 Calling and swearing a jury, two shillings;
 Swearing each witness six pence;
 Swearing a constable to attend a jury, six pence;
 Reading every deed and writing given in evidence, one shilling;
 Filing a plea, or bill of exceptions, one shilling;
 Copies thereof, for each sheet containing seventy two words, six pence;
 Taking and entering a verdict, one shilling and six pence;
 Drawing and returning every postea, six shillings;
 Entering every nonsuit, one shilling and six pence;
 Entering every appearance or default, one shilling;
 Engrossing a special verdict or demurrer to evidence, for each sheet containing seventy two words, including parchment, one shilling.

And twenty shillings in each cause noticed for trial, and not countermanded in due time, in lieu of all travelling charges.

And in criminal causes, the clerk of the circuit courts shall be allowed the like fees, as the clerk of the supreme court, and under the same restrictions.

The sheriffs fees in the supreme court.

- For { Serving a writ, four shillings and six pence; Sheriffs.
 Every mile going only, six pence, to be computed from the sheriffs place of abode, except where it is otherwise fixed by law;
 A bail bond, three shillings;
 Returning a writ if served, one shilling;
 Every demand of a defendant upon an exigent, and every proclamation, upon a writ of proclamation, or in a real action, one shilling;
 Summoning a jury, eight shillings;
 Serving an execution, for or under one hundred pounds, six pence per pound; and for every pound more than one hundred pounds, three pence; the poundage on writs of fieri facias, and all other writs for levying monies, to be taken only for the sum levied;
 Serving a writ of possession or restitution without the aid of the posse comitatus, ten shillings, and with the aid of the posse comitatus, thirty shillings; and mileage for every mile, from the place fixed by law six pence;

For	{	Making and returning a book of freeholders for striking a jury, thirty shillings;
		Every person committed to prison three shillings;
		Discharging every person from prison, three shillings;
		Bringing up a prisoner by habeas corpus, in civil causes, twelve shillings; and mileage for every mile from the gaol, one shilling;
		Executing a writ of inquiry, summoning the jury for that purpose, and returning the inquisition, twelve shillings;
		Attending a view fifteen shillings per day. and going and returning ten shillings per day;
		Attending with a prisoner before a judge, on his being surrendered by his bail, and for receiving the prisoner into custody, eight shillings;
		Summoning the jury to enquire of a forceble entry or detainer, twenty shillings;
		Copy of every writ when demanded, one shilling and six pence;
		Serving an attachment against the estate of an absconding or absent debtor, so much as the judges who issued the warrant shall certify to be reasonable.

Provided, that no sheriff shall be allowed any fee for the service or execution of any writ or process, unless the same shall be returned, so as that the return thereof may be entered in the term in which the same shall be returnable, (fees for executing a writ of possession only excepted.

The cryers fees in the supreme court and circuit courts.

Criers.	{	Calling every action nine pence;
		Ring the bell, each action in court one shilling;
For	{	Calling a jury, one shilling;
		Swearing a witness, six pence;
		Making proclamation for the discharge of any person, nine pence;
		Calling the plaintiff on a nonsuit, nine pence;
		Calling the defendant on a default, nine pence;
		Calling the defendant on a recognizance, nine pence;
	{	Every proclamation upon a fine, nine pence.

The jurors fees in the supreme court, and circuit courts.

Jurors.	{	Every juror, for each action on which he is sworn, one shilling;
		Every juror coming to and attending a view, and returning six shillings per day;
For	{	Every juror from a foreign county, coming to and attending at court, and returning, six shillings per day.

THE FEES OF THE JUDGES OF THE COURTS OF COMMON PLEAS, AND MAYOR'S COURT.

Fees to the first judge.

Common pleas.	For a licence to an attorney, eight shillings.
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Fees to the recorder in the several mayors courts.

Recorder.	For the first motion in every cause, six shillings.
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Fees to be divided among the judges, who are present when the service is done.

- For { The first motion in every cause in the court of common pleas, **Judges present.**
 three shillings;
 Admitting a person to practice as an attorney, fifteen shilling;
 Admitting a guardian on the act for the partition of lands, two shillings.

Fees to be paid to the judge, mayor or recorder, who does the service.

- For { Admitting an infant by guardian or next friend, one shilling and six pence; **Judge doing the service.**
 Taking bail, two shillings;
 Taking acknowledgment of satisfaction out of court, one shilling;
 Attending on shewing cause of action, or other special matter out of court, two shillings;
 Taking an affidavit, one shilling;
 Allowing a warrant of attorney, one shilling;
 Taking the acknowledgment or proof of a deed or mortgage, lease and release to be considered as one deed, three shillings;
 A certificate or order concerning an insolvent debtor, three shillings;
 A warrant, order, report, certificate or appointment of trustees, in pursuance of the act concerning absconding and absent debtors, three shillings;
 Signing a judgment, one shilling;
 Taxing a bill of cost, two shillings; but no judgment shall be signed, or taxation of costs made by any assistant judge of any court.

Fees of the justices of the peace, where they are entitled to fees; and such fees are not otherwise ascertained by law.

- For { A precept to summon a jury to inquire of a forcible entry or detainer, three shillings; **Justices of the peace.**
 Administering an oath, one shilling;
 Swearing a jury to inquire of a forcible entry or detainer, two shillings;
 A precept to summon a jury to try a traverse of the force, three shillings;
 Swearing the jury to try the traverse, two shillings;
 Drawing the conviction on a forcible entry or detainer, eight shillings;
 A warrant of restitution, three shillings;
 A mittimus for a fine or forfeiture, one shilling and six pence;
 A warrant against any person for a breach of the peace, or a misdemeanor, one shilling and six pence;
 A bond or recognizance, two shilling;
 A summons upon a penal law, one shilling;
 Drawing a conviction, three shillings;
 A warrant to levy a penalty, one shilling and six pence.

The attornies fees in the court of common pleas, and mayor's courts.

Attorneys.

- A retaining fee twenty shillings; but where several suits are brought upon one obligation, note or bill of exchange, no more than one retaining fee shall be allowed; nor shall any retaining fee be allowed in any suit, upon a bail bond, or to the defendants attorney upon confessing judgment on a bond, by virtue of a warrant of attorney;
- A warrant of attorney, one shilling;
- Drawing a copy of a plaint, one shilling and six pence;
- Every necessary motion, two shillings;
- Drawing a declaration, six shillings;
- Copy of a declaration, three shillings;
- Drawing a plea, two shillings;
- Copy thereof, one shilling;
- Drawing all other pleadings one shilling for each sheet containing seventy two words, and for a copy thereof six pence for each sheet;
- For { Drawing a writ of inquiry and copy, nine shillings;
- { Drawing every notice of trial, copy and service, two shillings;
- { Copy and serving on the judge or judges, one shilling;
- { Drawing every other notice copy and service, one shilling and six pence;
- { Drawing a brief for trial or inquest, and copy, six shillings;
- { Fee on trial, or for arguing demurrer or special verdict, sixteen shillings;
- { Fee on inquest, eight shilling;
- { Attendance on a judge on examining a witness, or shewing cause of action, or to mitigate bail, or other special matter, two shillings;
- { Attendance on taxing, costs two shillings;
- { Copy of a bill of costs to be taxed for the opposite party, or his attorney, when required, two shillings;
- { Drawing and copy of record of judgment, when done by him, twelve shillings.

Fees of the clerks of the courts of common pleas, and mayor's courts.

Clerks.

- Every writ of capias, entering the action, and seal, two shillings;
- A bond given by the plaintiff to prosecute, when necessary two shillings;
- Copy of a declaration when required, three shillings;
- Copy of all other pleadings when required, six pence for each sheet of seventy two words;
- Filing every declaration or other pleading or paper, six pence;
- For { Entering a retraxit or discontinuance, or satisfaction, one shilling;
- { Entering every rule one shilling, and for a copy thereof when required one shilling;
- { Attending the striking or balloting a jury, or both, and making a copy of the pannel for each party, four shillings;
- { Entering an appearance or default, six pence;
- { Entering the return of every writ, six pence, and filing the writ, six pence;
- { Drawing special bail when he does it, one shilling;

For { Reading and entering allowance of habeas corpus, writ of error or certiorari, and for the return thereof, four shillings;
 A venire or other jury process, and seal, three shillings;
 A subpoena, two shillings;
 Calling a pannel and swearing a jury, one shilling and six pence;
 Swearing each witness on trial six pence, and swearing a constable six pence;
 Reading every paper given in evidence, six pence;
 Receiving and entering a verdict, one shilling;
 Entering judgment one shilling;
 Sealing a writ of inquiry, one shilling and six pence;
 An execution and seal, three shillings;
 Entering recognizance of bail on record, two shillings;
 Drawing a copy of a record of judgment, when done by him, twelve shillings, and for a copy to be signed, when the attorney makes the draft, six shillings;
 Searching the records in any one year six pence, and for every other year in which such search is made, four pence;
 Docketing a judgment, one shilling;
 Filing a record, six pence;
 Searching for a judgment in one term, one shilling; and in every other term in which such search is made, six pence;
 Swearing each witness to a will or codicil, six pence;
 Drawing the proof of wills or codicils, one shilling for each sheet, of seventy two words;
 Recording deeds, wills and codicils, and the proof thereof required by law, one shilling and six pence for each sheet containing one hundred and twenty eight words, and for copies thereof when required one shilling for every sheet, of one hundred and twenty eight words;

Fees of the clerk of the sessions.

For reading and filing every town order, or other order brought to the sessions to be allowed, and entering the confirmation thereof, two shillings; and for recording the same, if required, one shilling for each sheet, containing seventy two words. Clerk of the sessions.

And in all cases of crimes and misdemeanors, where the service is done at the request of, the defendant, the clerk shall be allowed, and may take the following fees of the defendant.

For { Taking a recognizance, and drawing it up in form, two shillings, to be paid to the clerk, or other person who does the service;
 A subpoena, two shillings;
 Entering the defendants appearance, nine pence;
 Every order or rule of court, nine pence;
 Entering a nolo prosequi or cassat processus, one shilling and six pence;
 Reading and entering an allowance of a pardon, one shilling and six pence;
 Swearing a witness, six pence;
 Reading every paper given in evidence, six pence;
 Respiting a recognizance, nine pence;
 Discharging a defendant by proclamation, nine pence;
 Entering defendant's confession, one shilling;
 Entering or filing defendant's plea, six pence;
 Taking and entering verdict, when for defendant, one shilling;

- For { Entering judgment for defendant, one shilling;
Copies of records, indictments and pleadings when required, for each sheet containing seventy two words, six pence;
Making up record of judgment, for defendant, when required, twelve shillings;
Entering the allowance of every habeas corpus, writ of error or certiorari, and returning the same, four shillings.

And where any defendant shall be convicted of, and fined for any crime or misdemeanor, the court may allow such costs of prosecution out of the same fine, as such court shall judge reasonable; and shall cause an entry thereof to be made in the minutes of the court; and the clerk in the estreat thereof, shall mention the same, in order that the court of exchequer may see how much of the said fine is to be answered to the people of this State; and when such fine is paid to the sheriff or other officer, he shall pay such costs so allowed, out of the same.

The sheriffs fees in the courts of common pleas, and mayors courts.

Sheriffs.

- For { Serving a writ, three shillings;
Mileage going only, from the place fixed by law, six pence per mile;
Every bail bond three shillings;
Returning a writ if served, nine pence;
Summoning a jury, six shillings;
Attending a view, ten shillings per day, and going and returning eight shillings per day;
Every demand of a defendant upon an exigent, and every proclamation on a writ of proclamation, or in a real action, one shilling;
Serving an execution, for or under one hundred pounds, six pence per pound, and for every pound more, three pence; the poundage on writs of fieri facias, and all other writs for levying money, to be taken only on the sum levied;
Serving a writ of possession or restitution, with the aid of the posse comitatus, twenty shillings; and without such aid, ten shillings, and mileage going only, for every mile from the place fixed by law, six pence;
Making and returning a book of freeholders for striking a jury, thirty shillings;
Every person committed to prison, three shillings;
Discharging every person from prison, three shillings;
Executing a writ of inquiry, summoning the jury for that purpose, and returning the inquisition, twelve shillings;
Attending with a prisoner before a judge, on his being surrendered by or in discharge of his bail, and receiving the prisoner into custody, four shillings;
Copy of every writ when demanded, one shilling;
Serving an attachment against the estate of an absconding, or absent debtor, so much as the judge who issues the warrant shall certify to be reasonable.

Provided, That no sheriff shall be allowed any fee for the service or execution of any writ or process, unless the same shall be returned, so as that the return thereof may be entered in the term, in which the same shall be returnable, (fees for executing a writ of possession, only excepted.)

The cryers fees in the courts of common pleas, sessions, and mayors courts.

For	Calling every action, nine pence;	Criers.
	Calling a jury, one shilling;	
	Calling and swearing a witness, six pence;	
	Ringng the bell for every action, nine pence;	
	Calling a defendant, six pence;	
	Calling a plaintiff on a nonsuit, six pence;	
	Making proclamation for the discharge of any person, six pence;	
	Calling any person on recognizance, six pence.	

The jurors fees in the courts of sessions, common pleas, and mayors courts.

For	Every juror sworn in each action, one shilling;	Jurors.
	Every juror attending a view, four shillings per day.	

The coroners fees.

For	The view of each body, thirty shillings; <i>provided</i> that in Richmond county, the coroners fees shall be no more than twenty shillings;	Coroners.
	Serving writs in all cases, the like fees as are herein before allowed to the sheriff, for the like service.	

And the fees of the coroner for taking inquests in each county, shall be certified by at least two of the supervisors, and paid by the treasurer of the county; and in the city of New York the same shall be paid in the same manner, as the other contingent charges in the said city are directed to be paid.

The constables fees, where they are entitled to fees, and such fees are not otherwise ascertained by law.

For	Serving a warrant, one shilling and six pence;	Constables
	Serving a summons, one shilling;	
	Mileage for every mile going only, six pence;	
	Levying a fine or penalty to the amount of twenty shillings or under, one shilling; and on all sums above twenty shillings, at the rate of one shilling in the pound;	
	Taking a defendant in custody on a mittimus, one shilling;	
	Conveying a prisoner to gaol, one shilling, if within one mile; and for every mile more going only, six pence.	

FEES IN THE COURT OF ADMIRALTY.

To the judge.

For	The seal to process, four shillings;	Admiralty; judges.
	The seal to exemplifications, ten shillings;	
	Every sentence, thirty shillings;	
	Taking an affidavit, one shilling;	
	Taking every stipulation, four shillings;	
	Swearing a defendant or witness, and certificate thereof, two shillings;	
	Taxing every bill of costs, ten shillings.	

The advocates fees.

Advocates.

- For { Retaining fee, thirty shillings;
 Every motion made with effect, five shillings;
 Attendance at every court when any thing is necessary to be done there in the cause, five shillings;
 Arguing on the final hearing, where a cause is litigated and a full defence is made, but in no other case, forty shillings;
 Perusing examining and signing a libel, answer, plea, demurrer, or any other special pleadings interrogatories or exceptions when the advocate is not the proctor in the cause, ten shillings;
 Arguing on any special motion, ten shillings;
 Arguing every plea, demurrer or exceptions, twenty shillings.
- And no fees to be taxed for more than one advocate, in the same cause.

Fees of the proctors in the court of admiralty.

Proctors

- For { Retaining fee, thirty shillings; but when the same person acts both as advocate and proctor, no retaining fee shall be allowed as proctor;
 Drawing every libel, or information, answer, replication or other pleading or exceptions, one shilling and six pence, for each sheet containing ninety words, and for copies nine pence, for each sheet as aforesaid;
 Every motion made with effect, when he acts as advocate five shillings;
 Attendance at every court when any thing is done in the cause, five shillings; but no person shall be allowed for attendance, both as proctor and advocate in the same cause, at the same court;
 Drawing interrogatories, one shilling and six pence for each sheet containing ninety words, and for a copy thereof nine pence for each as aforesaid; but if any one set of interrogatories shall exceed thirteen sheets, no more than twenty shilling shall be allowed for drawing the same, and no more than ten shilling for a copy thereof;
 Every notice, copy and service, three shillings;
 Abbreviating pleadings, depositions, and exhibits, three pence for each sheet containing ninety words;
 Arguing on a final hearing when the proctor is not the advocate in the cause, fifteen shillings;
 Copy of a bill of costs for the opposite party, when necessary to be taxed, three shillings;
 Attending taxation of costs, four shillings;
 Arguing any demurrer or exceptions, when the proctor is not the advocate in the cause, ten shillings.

Fees of the register in the court of admiralty.

Registers.

- For { Drawing every stipulation, process, monition or subpœna, one shilling and six pence for each sheet, containing ninety words, and nine pence for engrossing each sheet;
 Entering the return of process, one shilling and six pence;
 Filing every libel, claim, pleading or other paper, one shilling;
 Reading each pleading, deposition and exhibit on hearing, one shilling;

- For { Copies of the pleadings, interrogatories, depositions and exhibits, when required, nine pence for each sheet of ninety words;
 Entering each proclamation, one shilling and six pence;
 Entering each default, one shilling;
 Entering every motion of the plaintiff or defendant, one shilling;
 Entering every rule of court one shilling and six pence;
 Examining each witness, and drawing his deposition one shilling and six pence for each sheet containing ninety words;
 Certifying each exhibit or writing shewn to a witness at his examination, two shillings;
 Drawing every decree or decretal order one shilling and six pence for each sheet containing ninety words; and for entering the same in the minutes nine pence for each sheet as aforesaid;
 Drawing a record or making a draft of apostles one shilling and six pence for each sheet containing ninety words; but no pleading, deposition, exhibit or other writing to be inserted therein verbatim, or in hæc verba, shall be computed as any part of such draft;
 Entering a record in the register, or engrossing or copying apostles or records to be sealed or exemplified, nine pence for each sheet of ninety words, including all the pleadings, depositions, exhibits and writings, inserted therein;
 Every certificate, one shilling and six pence;
 Entering return of appraisement or sales, nine pence for each sheet of ninety words;
 Drawing commission to examine witnesses, one shilling and six pence for each sheet containing ninety words; and for engrossing the same if on parchment, one shilling including the parchment, and if on paper nine pence for each sheet of ninety words;
 All money deposited in court, three pence in the pound.

The marshalls fees in the court of admiralty.

- For { Summoning every witness or appraiser, one shilling; Marshalls.
 Giving notice of holding the court to each proctor or advocate, one shilling;
 Swearing each witness in court, six pence;
 Making each proclamation one shilling;
 Serving every capias, attachment or summons, twelve shillings;
 Travelling each mile going only, either to serve process or subpoena witnesses, one shilling;
 Custody fees of a vessel, ten shillings per day;
 Sales six pence per pound, for any sum under two hundred pounds, and for any larger sum, three pence per pound;

Fees of the court of probates.

- For { Administering an oath, one shilling; Court of probates.
 Drawing the proof of a will or codicil, one shilling and six pence for each sheet containing one hundred and twenty eight words;
 The probate of a will, and the letters testamentary thereon, or letters of administration, one shilling and six pence for each sheet of one hundred and twenty eight words;
 Affixing the seal to the same, six shillings;

- For { Drawing and copy of bond, on granting letters of administration, four shillings;
 Recording wills, codicils and the proof thereof, and letters testamentary and letters of administration, one shilling and six pence for each sheet containing one hundred and twenty eight words;
 Entering and filing a caveat, one shilling and six pence;
 A citation to witnesses or for any other purpose, including the seal, six shillings;
 Taking and entering and filing a renunciation, three shillings;
 Filing an inventory, one shilling;
 Searching the records in his office for any one year one shilling, and for every other year in which such search is made, six pence;
 Filing a petition, one shilling;
 Making and entering every order, six shillings;
 Taking depositions, one shilling and six pence for each sheet containing one hundred and twenty eight words;
 Copies of all records, depositions or other pleadings, when required, one shilling for each sheet of one hundred and twenty eight words;
 Every decree or sentence in suits for legacies or distribution, thirty shillings;
 An execution, ten shillings;
 Hearing and determining where a will or administration is contested, or upon appeal, twenty shillings;
 The seal to exemplifications, six shillings;

The fees of the surrogates.

Surrogates.

- For { Administering an oath, one shilling;
 Drawing the proof of a will or codicil, one shilling and six pence for each sheet containing one hundred and twenty eight words;
 The probate of a will and letters testamentary thereon, or letters of administration, one shilling and six pence for each sheet containing one hundred and twenty eight words;
 The seal to the same, six shillings;
 The bond upon granting letters of administration, four shilling;
 Recording wills, codicils and the proof thereof, and letters testamentary, and letters of administration; one shilling and six pence for each sheet of one hundred and twenty eight words;
 Entering and filing a caveat, one shilling and six pence;
 A citation for witnesses or any other purpose, including the seal, six shillings;
 Taking, entering and filing a renunciation, three shillings;
 Filing an inventory, one shilling;
 Searching the records in his office, for any one year, one shilling; and for every other year in which such search is made, six pence;
 Taking depositions, one shilling and six pence for each sheet containing one hundred and twenty eight words,
 Copies of records or depositions, when required, one shilling for each sheet containing one hundred and twenty eight words;
 Hearing and determining where a will or administration is contested, twenty shillings;
 The seal to exemplifications, six shillings.

Witnesses fees in the several courts, and the charges of summoning them.

- For { Each witness attending in his own county, two shillings per day; **Witnesses.**
 Attending from a foreign county, and coming and returning,
 four shillings and six pence per day;
 The judge of the court of probates, the secretary of the State, or
 any clerk or surrogate, attending on subpoena, with wills,
 records or other written evidences, ten shillings per day;
 Every surveyor, for going to, and returning from a view, and for
 going to, attending at, and returning from the trial, ten shil-
 lings per day; and for his actual service on the view, twenty
 shillings per day;
 For serving a subpoena on each witness, one shilling.

The secretary's fees.

- For { A commission for the chancellor, chief justice or other justice **Secretary**
 of the supreme court, twenty four shillings; **of State.**
 A commission for a mayor, twenty four shillings;
 A commission for a sheriff, twenty four shillings;
 A commission for the first judge of the court of common pleas,
 twelve shillings, and for every other judge of such court, eight
 shillings;
 A commission for a recorder, sixteen shillings;
 A commission for a coroner, six shilling;
 A commission for a clerk of a county, twenty four shillings;
 A commission for a general officer in the militia, sixteen shillings;
 A field officer, twelve shillings;
 A captain, five shillings;
 A subaltern, three shillings;
 A commission for any other office being an office of profit, eight
 shillings;
 But no fees shall be exacted or demanded for commissions to
 justices of the peace, unless when a special or additional com-
 mission is issued, in such case each person named therein, shall
 pay ten shillings for the same;
 Entering a caveat, one shilling;
 Searching the records in his office for any one year, one shilling,
 and for every other year in which such search is made, six
 pence;
 Recording deeds, one shilling and six pence for each sheet con-
 taining one hundred and twenty eight words;
 Copies of records, one shilling for each sheet containing one
 hundred and twenty eight words.

And be it further enacted by the authority aforesaid, That no person empowered to administer oaths, shall demand or take any fee for admin- **Oaths, fees**
 istering the oath of allegiance, or oaths of office to the members of the **for.**
 legislature; nor more than two shillings for administering such oaths to
 any other officer.

And whereas the inrolling of decrees, and dismissions in the court of **Enrollment**
 chancery, in the manner now used, is a heavy and useless expence to **of decrees.**
 the parties, therefore, *Be it further enacted by the authority aforesaid,*
 That it shall not be necessary to inroll any decree or dismission here-
 after to be made or given in the said court of chancery; but that in all
 such cases the clerks of the said court, shall immediately after any
 decree or dismission is pronounced, deliver the bill, and answer or

answers, and other pleadings, if there be any in such cause, to the register of the said court, who shall annex them together and file the same in his office; and the register shall thereupon draw up and engross on parchment the decree or dismissal in the same cause, with such reports and decretal orders as may have been made therein, but without any recital of the bill, answer or pleadings; and shall annex the same after it is signed by himself and the chancellor, to the said bill, answer and pleadings in the same cause, which shall be of the same force and effect to all intents and purposes, as if such decree or dismissal had been inrolled in the manner heretofore used.

Same person acting as attorney and counsel, or as solicitor and proctor.

And be it further enacted by the authority aforesaid, That whenever the same person shall act as attorney and counsel, or as solicitor and counsel, or as proctor and advocate in the same cause, he shall not be entitled for the same service to fees both as counsel and attorney, or as counsel and solicitor, or as advocate and proctor; but shall be allowed the fees of counsel only, in the courts of common law and chancery, and of advocate in the court of admiralty, for the particular service done, as counsel or advocate, and the fees of an attorney, solicitor or proctor only, for the particular service done as attorney, solicitor or proctor; and shall not in any such case, be allowed any fees for attending upon, or consulting with counsel or advocate, or for any copies of papers, pleadings or records, for counsel or advocate.

Where several parties are bound by same recognizance.

And be it further enacted by the authority aforesaid, That where two or more persons are or shall be bound in one bond or recognizance jointly and severally, or severally only, it shall be lawful in every such case, to join all the obligors in such bond or recognizance or any part of them in one action, and to prosecute the same to judgment and execution against the defendants in such action, and against their joint or separate property; and afterwards if the whole amount due upon such bond or recognizance shall not be levied upon such first suit or judgment, to bring a further action or actions against the residue of the said obligors, or any or either of them, jointly or severally, at the option of the plaintiff or plaintiffs, and the same to prosecute to judgment and execution, against the said residue of the said obligors, or any or either of them, and against their joint or separate property; any law, usage or custom, to the contrary thereof, in any wise notwithstanding. But the plaintiff or plaintiffs shall not cause to be levied in the whole more than the amount of the debt and damages due to him, her or them, with the costs of suit; and if separate writs shall be issued against such obligors, or any of them, the plaintiff or plaintiffs shall be at liberty in any stage of the suits, to consolidate them into one suit; and shall in no case when two or more suits are depending at the same time, upon the same bond or recognizance, or on any promissory note or bill of exchange, have more than one taxation of costs; and where the defendants reside in different counties, and writs are issued in several counties, the costs on each writ shall be taxed together, and in the same bill with the residue of the costs.

Parties may appear in person.

And be it further enacted by the authority aforesaid, That it may be lawful for all and every person and persons to sue, prosecute, carry on and defend, his, her or their suit or action, by him, her or themselves in person, in any court of justice in this State, without the aid of any attorney, solicitor, proctor, advocate, or counsellor at law.

Penalty for exacting excessive fees.

And be it further enacted by the authority aforesaid, That if any person shall knowingly or willfully exact, or compel any person to pay for any of the services aforesaid, any other or greater fee, sum of money or reward, than is herein before allowed for the same, every such person

upon conviction thereof, either at the suit of the party grieved, or upon information or indictment shall pay to the party grieved, treble damages, and such fine to the people of the State of New York, as the court in which such conviction shall be had, shall think proper to impose, and shall also if an officer, forfeit and lose his office.

And be it further enacted by the authority aforesaid, That the act entitled "An act for regulating the fees of the several officers and ministers of the courts of justice, within this State" and the seventeenth section of the act entitled "An act for settling intestates estates, proving wills and granting administrations," passed the 20th of February, one thousand seven hundred and eighty seven, shall be, and hereby are repealed, from and after the first day of June next, except as to services performed before that day, and after the passing of the said acts respectively.

Acts
recited
repealed.

CHAP. 26.

AN ACT to remove doubts respecting the charter granted to the members of the New York Society Library.

PASSED the 18th of February, 1789.

WHEREAS the operation of the charter granted to the members of the New York Society Library, incorporating them by the name of the Trustees of the New York Society Library, bearing date the ninth day of November, in the year of our Lord one thousand seven hundred and seventy two, was suspended during the war lately waged by the king of Great Britain, against the United States of America; in order therefore to remove doubts respecting the said corporation;

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said charter, and all and singular the estates, rights, powers, authorities, liberties, privileges, franchises and immunities, thereby granted, and which the said corporation, and the members thereof, did or might lawfully hold, exercise and enjoy, on the nineteenth day of April in the year one thousand seven hundred and seventy five by virtue of the said charter, shall be continue and enure in full force, virtue and efficacy, to all intents constructions and purposes, in the law whatsoever, notwithstanding any non-user or mis-user thereof, or any part thereof, between the eighteenth day of April, in the year one thousand seven hundred and seventy five, and the day of the passing of this act; and that the members of the said corporation, and their legal representatives, under the said charter, and each of them, shall have hold and enjoy, and be fully able and capable in the law, to exercise all and singular the rights, powers and authorities, to them belonging by virtue or in consequence of the said charter, although the yearly sums which ought to have been paid by them, or any of them according to the said charter, may be in arrear and unpaid; and all such yearly payments and sums as have become due and payable, and now remain in arrear and unpaid, are hereby remitted to the members of the said corporation. And that Robert R. Livingston, Henry Remsen, Robert Watts, Brockholst Livingston, Samuel Jones, Peter Ketteltas, Walter Rutherford, Mathew Clarkson, Samuel Bard, Hugh Gaine, Daniel C. Ver Planck and Edward Greswold, shall be and hereby are declared and appointed the present trustees of the said library and corporation, and shall hold possess and

Trustees
of the
New York
Society
Library;
relief of.

enjoy their said offices until the last Tuesday in April now next ensuing, and until other fit persons shall be elected and chosen in their places, according to the said charter.

CHAP. 27.

AN ACT to enable John Jay or the persons claiming under him, to hold in severalty the lot of land therein mentioned.

PASSED the 18th of February, 1789.

Preamble.

WHEREAS it is represented to the legislature, that John Jay of the city of New York Esquire, by virtue of certain letters patent, under the great seal of the late Colony now State of New York, was seized in fee simple, and as tenant in common, of one thousand acres of a certain tract of land, erected into a township by the name of Whiteborough, situate in the county of Montgomery, between the Cochquago branch of the Delaware and the Susquehannah river, part of which township became forfeited to the people of this State, by the conviction and attainder of Henry White Esquire; that the commissioners for the sale of forfeited estates in the western district, having by lot, assigned the lot numbered thirty-five, designated in a map or draft of the division of the said tract of land, filed in the secretary's office of this State, as, and for the share of the said John Jay, as his patentee right in the said township: And the said John Jay, by his memorial presented in this present session, having prayed that the said lot may be confirmed to him in severalty, in full satisfaction of his right in common, in the said township. Therefore

Title of
John Jay
to certain
lands con-
firmed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, to and for the said John Jay, or the person or persons legally entitled to the share of the said lands, granted as aforesaid by the said letters patent to the said John Jay, to hold and enjoy, the said lot number thirty-five, beginning at the south east corner of lot number thirty-four, and running thence as the magnetic needle pointed in the year one thousand seven hundred and seventy-one south thirty degrees east one hundred and eight chains and sixty links, thence north sixty degrees east ninety-three chains, thence north thirty degrees west one hundred and eight chains, and thence south sixty degrees west ninety-three chains, to the place of beginning, containing nine hundred and fifty seven acres, of the like estate, and in like manner as the said John Jay or other person or persons legally entitled to the share aforesaid, was or were, immediately before the passing of this act, entitled to hold and enjoy, the undivided share of the same, granted as aforesaid to the said John Jay; and that from and after the passing of this act, the estate of the said John Jay, or other person or persons, entitled to the share of the said lands, granted to him as aforesaid, in all and every other part of the said tract of land, shall be, and the same is hereby, declared to be extinguished,

CHAP. 28.

AN ACT for the further amendment of the law.

PASSED the 20th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Pleas in actions.

That it shall and may be lawful for any defendant or tenant, in any action or suit, or for any plaintiff in replevin, in any court of record, with the leave of the same court, to plead as many several matters as he shall think necessary for his defence; *provided nevertheless,* that if any such matter shall upon a demurrer joined, be judged insufficient, costs shall be thereupon given at the discretion of the court, or if a verdict shall be found upon any issue in the said cause for the plaintiff or defendant, costs shall also be given in like manner; unless the judge who tried the said issue, shall certify that the said defendant or tenant, or plaintiff in replevin, had a probable cause to plead such matter, which upon the said issue shall be found against him. And that in all cases where any defendant or tenant, in any action or suit, or any plaintiff in replevin, now depending in any court of record, hath at any time heretofore pleaded several matters for his defence, the same shall be as good and available, and the like proceedings shall be thereupon had, as if this act had been made before that time, and was then in full force. Costs.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any defendant or tenant, in any action or suit, in any court of record, except in cases of mutual dealings, to plead the general issue, and, to give any special matter in evidence, which if pleaded would be a bar to such action or suit, giving notice with the same plea of the matter or several matters so intended to be given in evidence. Special matter in evidence on pleading the general issue.

And be it further enacted by the authority aforesaid, That all issues joined or hereafter to be joined in the supreme court, or in any other court, and brought into the supreme court to be tried, and which are or may be triable by a jury of any county in which the supreme court shall sit, may be tried either at the circuit court in such county, or at the bar of the said supreme court, when the same supreme court shall sit in such county, without any order of the same supreme court for that purpose; any law, usage or custom, to the contrary notwithstanding. Trial of causes in supreme court.

And be it further enacted by the authority aforesaid, That if any material witness or witnesses in any action or suit now depending, or at any time hereafter to be depending, in any court of record in this State, shall not reside in this State, it shall and may be lawful for the said court, on affidavit or proof being made thereof to the satisfaction of the said court, and upon motion made by either party in open court, and upon such terms as the said court shall think proper, to award and issue under the seal of the same court, a commissioner or commissioners, to such persons as the same court may think fit, authorising them or any two or more of them, to examine such witness or witnesses on oath, upon the interrogatories annexed to such commission, and to reduce such examination into writing, and to return the same annexed to the said commission, unto the said court with all convenient speed: And the name of every witness to be examined by virtue of any such commission, shall be inserted in the same commission; and the interrogatories for the examination of all and every such witness and witnesses shall be drawn Commissioners to examine witnesses.

and signed by the parties, or their counsel in the cause in which the testimony is to be used, or such of them as shall request such commission, and be approved of by the same court, or one of the judges thereof, and shall be annexed to such commission; and each party shall be at liberty with the approbation of such court or judge, to insert in such interrogatories all such questions as he or they may deem proper and necessary. And the said commissioners so to be appointed in any such commission, or any two or more of them, shall and may examine the witnesses named therein, or such of them as they can meet with, on oath, and cause the examination of each witness to be reduced to writing, and signed by the same witness; and such commissioners shall then also sign the same. And all such examinations and all exhibits produced to such commissioners, and proved by any such witness or witnesses shall be annexed to the said commission, and returned to the court out of which such commission issued, closed up and under the seals of two or more of the said commissioners, and if it is not convenient for either of the said commissioners to carry the same to one of the judges of the said court, then one of the said commissioners shall deliver the same to the agent of the party on whose behalf such witnesses shall be examined, and such agent, or in case of his death the person into whose hands the same shall come, shall deliver the same to one of the judges of the said court, and make oath or affidavit before the same judge, that he received the same from the hands of one of the commissioners (or if such agent be dead, then such affidavit shall set forth in what manner the same came into the hands of the person who shall so deliver the same,) and that the same has not been opened or altered since he so received it. And such judge shall then open the same, and endorse upon the commission, as the case may be, either received by the hands of one of the commissioners, or upon the oath of the person who delivers the same, as appears by his affidavit, and subscribe his name to the same indorsement, and shall then deposit the said commission and return with the said affidavit, in the office of the clerk of the said court, there to remain as a record. And every such deposition being so taken and returned, shall be allowed and read, and shall be deemed as good and competent evidence in the cause in which it shall be taken, as if such witness had been present, and sworn and examined viva voce in open court on the trial of such cause; any law, usage or custom, to the contrary notwithstanding. And all parties concerned shall be intitled to take copies of such depositions at their own costs and charges, as soon as the same shall be deposited in the clerks office as aforesaid. And in case any such commission shall not be returned within such reasonable time as the said court shall from time to time allow for that purpose, then the said court may proceed as if no such commission had been awarded or issued.

Common
pleas, at-
tendance
of wit-
nesses.

And be it further enacted by the authority aforesaid, That in every suit now depending, or that may hereafter be depending, in any court of common pleas, or mayors court within this State, the said court shall be, and hereby is authorized and empowered to issue process of subpoena, requiring the attendance of any witness or witnesses, who may reside in any part of this State, to testify on the trial of the said cause, or on the execution of any writ or writs of enquiry, to be executed therein, altho' such witness or witnesses shall not be within the jurisdiction of the said court when served with the said subpoena. *And further,* that every witness who may be duly served with such subpoena, shall be and hereby is required to attend at the time and place therein mentioned, under the like penalties, and shall be liable to the the same action or actions,

which he or she would have incurred, or have been liable to, for such refusal or neglect, if he or she had been within the jurisdiction of the said court; at the time of the service of such subpoena.

And be it further enacted by the authority aforesaid, That in all actions and suits now depending, or hereafter to be brought in any court of common pleas, or mayors court, where the demand of the plaintiff, or the accounts between the parties exceed eighty pounds, if by reason of payments or discount the plaintiff shall recover less than ten pounds, exclusive of costs, then and in every such case, the plaintiff shall recover his costs of suit to be taxed; any law, usage or custom, to the contrary notwithstanding.

Costs in
common
pleas.

CHAP. 29.

AN ACT directing the treasurer of this State to cancel certain bills of credit and certificates therein mentioned, and for the further direction of the loan officer.

PASSED the 20th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the signers of the bills of credit, emitted by virtue of an act entitled "An act to take out of circulation the bills of credit emitted by law and to emit others as a substitute" passed the 8th day of February 1788, or any three of them, shall meet at the treasury of this State, as soon as convenient, and when so met as aforesaid, the treasurer shall deliver unto the said signers, the sum of six thousand pounds of the bills of credit emitted by virtue of the before recited act, being so much more than sufficient to exchange the money emitted by a former law, as also all the loan office money that is or shall come into the treasury, emitted by former laws of the late colony, as also all the money that is or shall come into the treasury, emitted by virtue of resolutions of the provincial Congress and convention of this State, as also all the money that is or may come into the treasury by virtue of an act entitled "An act for emitting money upon the credit of this State" passed the 27th day of March 1781, together with a list of the several denominations of the said bills, and having examined and compared the said bills with such list, shall destroy the said bills, and shall certify that they have destroyed the bills mentioned and designated in such list; which list so certified, shall be delivered to the said treasurer, and a copy thereof so signed shall be kept by the said signers or one of them; to be by him or them delivered to the legislature when thereunto required.

Cancellation of certain bills of credit.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this State to deliver unto the said signers in manner before directed, all such certificates as are or may be in the treasury and belonging to this State, and which were issued in pursuance of the fifty first and subsequent sections of the act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned" passed the 18th day of April 1786. Certificates for the pay of the militia and levies; certificates issued for claims on forfeited estates, and certificates for money borrowed, in pursuance of resolutions of the convention and committee of safety of this State, and all other certificates issued by the treasurer of this State, making a true list of all such certificates, which list shall

Id.; certificates.

contain the amount and date of every such certificate, and the number and value thereof; and the said signers having examined and compared the said certificates with such lists shall destroy the said certificates, and shall certify, that they have destroyed the certificates mentioned and designated in such list; which list so certified, shall be delivered to the said treasurer, and a copy thereof so signed, shall be kept by the said signers or one of them, to be by him or them delivered to the legislature when thereunto required.

Compensation for
cancelling.

And be it further enacted by the authority aforesaid, That the said signers shall be entitled to receive for each day they shall be so employed in examining and destroying the said bills of credit and securities the sum of sixteen shillings; which the treasurer is hereby directed to pay out of any unappropriated money in the treasury.

Moneys
paid on
loans not
to be re-
loaned.

And be it further enacted by the authority aforesaid, That in case the whole or any part of the principal borrowed by any person from any loan office in this State, shall at any time be paid or come into any such loan office, no part thereof shall be reloaned, but the same shall be paid to the treasurer of this State, together with the money received in such loan office for interest, and shall be disposed of in the same manner as the said interest.

CHAP. 30.

AN ACT for the relief of Henry Fraats, the elder.

PASSED the 24th of February, 1789.

Preamble.

WHEREAS Henry Fraats, in the term of July one thousand seven hundred and eighty two, was convicted of adhering to the enemies of the people of this State; and it appears that the conviction aforesaid, was intended to be against Henry Fraats the younger, the son of the said Henry Fraats. Therefore

Henry
Fraats,
release of.

Be it enacted by the People, of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all and singular the real and personal estate of the said Henry Fraats the elder, shall be and the same are hereby declared, to vest in, and shall remain to him in like manner, as if no such conviction had ever been had.

CHAP. 31.

AN ACT relative to highways and bridges in the towns therein mentioned.

PASSED the 24th of February, 1789.

Preamble.

WHEREAS the town of Clermont is bounded for a considerable extent upon the river, commonly called Roeloff Jansens kill, which requires many and expensive bridges: *And whereas* no provision is made for building and keeping in repair, such bridges, where the town of Clermont joins the town of Livingston. Therefore

Section of
act recited
extended;
Clermont

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the twenty fourth section of the act entitled "An act for the better

laying out regulating and keeping in repair, all common and public highways, and private roads, in the counties of Ulster, Orange, Dutchess, Washington, West Chester, Albany and Montgomery," be extended to bridges now built; and also to one other bridge and causeway to be built, at the most convenient place, near where the said Roeloff Jansen's kill or creek empties into Hudsons river; which bridges shall be erected and maintained at the expence of the towns of Livingston and Clermont, in the manner, that certain bridges therein mentioned, are by the said section directed to be maintained, by the towns of Goshen and Cornwall.

And be it further enacted by the authority aforesaid, That the twenty eighth section of the said above recited act, be extended to all cases of roads, hereafter to be laid out through the said towns.

And be it further enacted by the authority aforesaid, That the commissioners of the highways for the time being, for the towns of Warwick and Minisink, in the county of Orange, shall be empowered, and are hereby directed and required, to cause the two following bridges and causeways to be well and sufficiently made, and kept in repair, to wit, one bridge and causeway across Warwick creek, near Shoemakers mill; the other bridge and causeway across Rutgers kill or creek, near John Fergusons mill, and below the same, or where the old bridge below the mill formerly stood, as shall appear to the said commissioners to be most convenient, for the accommodation of the inhabitants and travellers; and the account and expences attending the said two bridges and causeways, shall be raised and paid in like manner, by the towns of Cornwall, Goshen, Warwick and Minisink, as the public bridges and causeways particularly mentioned in the twenty fourth section of the before mentioned act, are by law directed to be raised and paid, in the precincts of Cornwall and Goshen; any law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That if any person or persons in the township of White Hall or Westfield, in the county of Washington, shall hereafter cut down any tree or trees, by which the creek commonly called and known by the name of Wood creek, shall be in any manner obstructed, in any part thereof between Fort Ann, and the falls in the township of White Hall, such person or persons shall forfeit and pay for every such tree so cut down as aforesaid, the sum of forty shillings, the one half for the use of the complainant, and the other half for the use of the poor of the town where the offence shall be committed, to be recovered before any one or more of the justices of the peace in the said county of Washington, by any person or persons who shall sue for the same.

CHAP. 32.

AN ACT for the sale and disposition of lands, belonging to the people of this State.

PASSED the 25th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the surveyor general of this State for the time being, shall and may, as soon as conveniently may be, after the passing of this act, cause twenty townships to be laid out and actually surveyed, upon the eastern

side of the lands purchased from the Indians, at the late treaty held with them, on the part of this State, between the lands reserved at the said treaty by the Oneida nation, and the lands purchased from the Indians at the treaty, held in the year one thousand seven hundred and eighty five; each of which townships shall be five hundred chains square, or as nearly so, as circumstances will admit; and upon running the out lines thereof, the surveyor general shall cause a mark or monument to be made or erected at the ends of the said out lines, and at the termination of every fifty chains between the same, where local circumstances will admit the said outlines to be straight; and after the out lines of the said townships respectively, have been so surveyed as aforesaid, the surveyor general, shall cause a line to be run parallel to any of the straight lines of each township, the whole extent thereof, and another line at right angles to such parallel line, the whole extent of such township, so as to divide each township into four equal parts as nearly as may be, and as nearly square as may be; which lines shall be likewise marked in manner aforesaid; and shall forthwith make a map or maps of the said townships, and upon such map or maps, shall divide each of the said townships into lots containing two hundred and fifty acres of land, or as nearly so as circumstances will admit, by lines to be drawn thro' the said marks or monuments, parallel and at right angles to the straight sides of the said townships; and shall number the lots in each township successively, with the numbers from one to one hundred, including both numbers; a copy of which map or maps, together with a copy of his field book, containing a description of the quality of the soil, timber, and creeks, along such lines as shall be run as aforesaid, shall be by him filed without delay, in the office of the secretary of this State, and another copy of the same preserved in the office of the said surveyor general, for public inspection.

Gospel and school lots.

And be it further enacted by the authority aforesaid, That in every township so laid out, or to be laid out as aforesaid, the surveyor general shall mark one lot on the map, Gospel, and one other lot, Schools, which lots shall be as nearly central in every township as may be; and the lots so marked shall not be sold, but the lots so marked Gospel, shall be reserved for, and applied to supporting the gospel in such township, and the lot marked Schools for the use of schools in such township.

Townships to be sold.

And be it further enacted by the authority aforesaid, That upon the filing of the said maps as aforesaid, the commissioners of the land office, and the said surveyor general, shall select and designate five of the said townships to be sold only for gold, silver, or bills of credit emitted by virtue of the act, entitled "An act to take out of circulation the bills of credit emitted by law, and to emit others as a substitute," passed the eighth day of February, one thousand seven hundred and eighty eight; and the said commissioners shall thereupon affix to each of the said townships, to be laid out by virtue of this act, such and so great a price per acre, as they shall judge reasonable. *Provided,* that the same shall not be less than three shillings for each acre of land in the said townships.

Advertisement of sale of townships.

And be it further enacted by the authority aforesaid, That as soon as the commissioners of the land office, shall have so as aforesaid determined the price of the land in each of the townships to be laid out by virtue of this act, they shall cause such townships respectively, with the price of the land in the same, to be advertised by the surveyor general, in at least three of the public newspapers in this State, one whereof to be printed by the printer to the State (if any such there be,) one to be printed in the city of New York, and one in the city of Albany; and in

and by the said advertisements, shall cause public notice to be given, that applications for the said lands respectively, will be received at the office of the said surveyor general, at any time previous to a certain day therein to be mentioned, and to be prescribed by the said commissioners; which day shall not be less than two, nor more than three calendar months from the time of the first publication of the said advertisements respectively; and the said advertisements shall respectively be continued in the said papers, at least once a week, until the said days therein to be mentioned, shall respectively be passed.

And be it further enacted by the authority aforesaid, That the surveyor general shall, and it is hereby made his duty, to receive and register in a book to be by him for that purpose kept, and without fee or reward, all applications, that shall be made in writing, in consequence of this act, for the said townships, or any of the lots therein contained, in such manner, that the names of all applicants for each respective lot in the said townships, shall be respectively placed together in the said book, and may, (if the number of applicants will admit thereof), be seen at one view.

Applica-
tions for
purchase,
register of.

And be it further enacted by the authority aforesaid, That if at the day, to be appointed in such advertisements respectively, there shall appear to have been only one applicant for any of the lots contained in the said townships respectively, then and in such case, such applicant shall be entitled to a grant of the lot or lots for which he applied as aforesaid; but if more than one application shall have been made, for any of the said lots, then and in every such case, the surveyor general shall and may, on the day next after the day mentioned in such advertisements respectively, and within so many days thereafter, as may be necessary for that purpose, set up such lots, and every of them separately at vendue or auction to the applicants for the same respectively; and such of the said applicants as shall bid the highest for the said lots respectively, above the price affixed as aforesaid by the commissioners of the land office, shall be entitled to a grant of the said respective lots, at the price which they shall respectively bid for the same; and if it should so happen, that at such vendue, none of the said applicants will bid more than the said affixed price, then and in such case, the surveyor general shall determine by drawing of lots, to which of them the lot they applied for shall belong at the affixed price. And in case all the lots in any of the said townships shall not be applied for in the manner herein before directed, then, and as soon as all the lots which shall have been so applied for shall be disposed of in manner aforesaid, the surveyor general shall, for the space of two days thereafter, receive applications for any lot or lots remaining unsold, and proceed in the disposal thereof in like manner as if the same had been applied for previous to the day so to be prescribed as aforesaid.

Sale of
township,
how made.

And be it further enacted by the authority aforesaid, That if it shall happen, that any of the lots in the said townships respectively shall remain without any application having been made for them in manner aforesaid, or if any of the persons entitled to grants of lots as aforesaid shall neglect or refuse to pay for the same in the manner herein after directed, then, and in every such case, the commissioners of the land office are hereby authorised, to cause the said lots respectively to be again advertised in the manner herein before prescribed; and thereupon applications for the same shall be received, and the like proceedings had for the disposal and sale thereof, as are herein before directed; and the same may be from time to time repeated, until the whole of the said lots are disposed of as aforesaid.

Reduction
of price of
lots, where
all not sold

And be it further enacted by the authority aforesaid, That if it shall appear to the commissioners of the land office, at any time or times hereafter, that the prices fixed by them for the said townships respectively, cannot be gotten for all the lots contained in any township; then and in every such case, and whenever part of the lots contained in any such township shall have been previously sold as aforesaid, the said commissioners may affix a lower price for the same lots remaining unsold respectively; *provided*, the same be not less than three shillings per acre; and shall and may thereupon cause the same lots so remaining unsold, to be advertised of anew, and such other proceedings to be had for the sale and disposal thereof, as are particularly mentioned and prescribed, in and by the fifth section of this act.

Payments
by pur-
chasers of
lots.

And be it further enacted by the authority aforesaid, That every person becoming entitled to a grant of land in the manner prescribed by this act, shall immediately thereafter pay unto the surveyor general such sum of money, as will defray the proportion chargeable upon the same, of the expence accrued by surveying the lines of the township or townships in which such land is situated, which are herein before directed to be run, (each lot being hereby declared to be equally chargeable with such expence;) and shall also at the same time pay unto the said surveyor general, not less than one fourth part of the purchase money; and if such person shall neglect or refuse to make the said payments, or either of them, within forty eight hours after he or she shall appear entitled to such grant, he or she, shall forfeit to the people of this State, the sum of five pounds, for each lot to which he or she shall become entitled as aforesaid, to be recovered with costs of suit, by the surveyor general for the time being, in his own name, by action of debt, in any court having cognizance thereof. But if such person shall pay the same as aforesaid, then the surveyor general, shall give unto such purchaser a discription of the lot or lots, to which such purchaser is entitled; and shall endorse on the said certificate, the sum by him received on account of the purchase money, and the sum still due, if any, on such purchase, including in one certificate, all the lands which one person becomes entitled to in one township, and no more. And if the person becoming entitled to any grant of land as aforesaid, by virtue of this act, shall not within six months after the date of the said certificate, pay the sum certified to be still due, into the treasury of this State, or unto the surveyor general, the money so as aforesaid paid, by every such delinquent, to the surveyor general, shall be forfeited to the people of this State, and such delinquent shall lose all right to the land specified in such certificate; but if the sum so remaining due, shall be paid to the treasurer, or to the surveyor general, within the time above limited, the treasurer, or the surveyor general, as the case may be, shall endorse a receipt for the same upon the said certificate, and thereupon the said purchaser, shall be entitled to letters patent for the land described in such certificate. *Provided*, that such forfeiture shall not exceed one quarter part of the purchase money.

Moneys
and secur-
ities re-
ceivable.

And be it further enacted by the authority aforesaid, That for all expences of survey, chargeable as aforesaid, and for the five townships which shall be so as aforesaid selected and designated pursuant to the second section of this act, only gold and silver, and the bills of credit in the said section mentioned, shall be receivable in payment; and that for the land contained in the fifteen other townships to be surveyed and sold in pursuance of this act, gold and silver, the bills of credit aforesaid, and any public securities issued by the treasurer or auditor of this State, or by the auditors appointed to liquidate and settle the

accounts of the troops of this State, in the service of the United States, shall be received in payment, both at the treasury, and by the surveyor general: *Provided always*, that no interest shall be computed upon any of the said public securities, after the times of the said purchases respectively.

And be it further enacted by the authority aforesaid, That the commissioners of the land office, shall and may from time to time, upon the production to them, of such certificate as aforesaid, from the surveyor general, with the treasurers receipt thereon direct letters patent to be issued for granting the lands described in such certificate to the purchaser thereof, or the heirs of such purchaser, or any person or persons whom such purchaser, or the heirs of such purchaser may appoint; which letters patent shall respectively be in such form and words as the said commissioners shall direct; and shall contain an exception and reservation of all gold and silver mines, and shall convey the lands specified in such certificates respectively, to the grantee, his heirs and assigns.

Letters
patent,
granting of

And be it further enacted by the authority aforesaid, That all the lands purchased in one township, shall be included in one patent, or any greater number of patents, as the purchaser or purchasers may think proper; and that upon every patent, to be issued by virtue of this act, the following fees, and no more, shall be due from, and payable by the persons, in whose favor the same shall issue, that is to say, to the commissioners of the land office jointly, exclusive of the secretary, to be divided among them, as to the majority shall seem proper, for a township the sum of three pounds; for half a township, or any quantity of land more than half a township, and less than a whole township, the sum of two pounds, and the sum of one pound for every quantity less than half a township, except where only a single lot is granted, when they shall receive eight shillings, and no more. And to the secretary for preparing the letters patent, recording the same, and keeping the minutes of the said commissioners, the like fees as are herein before allowed to the commissioners of the land office.

Fees for
patents.

And be it further enacted by the authority aforesaid, That the same number of persons, may be employed by the surveyor general, and the like allowances made to them, for completing the surveys directed by this act to be made, as are mentioned and prescribed in and by the thirtieth enacting clause, of the act entitled "An act for the speedy sale of the unappropriated lands within this State, and for other purposes therein mentioned; and further, that the lands to be granted by virtue of this act, shall be exempt from taxes for the like term, and in the like manner, as they would have been, if granted by virtue of the act last mentioned.

Surveyal
of lands.

Exemption
from tax.

And be it further enacted by the authority aforesaid, That the commissioners of the land office shall be, and they are hereby inhibited, from selling any lands by virtue of the said last mentioned act, until the legislature shall make provision for the same, except as to the unappropriated land, which shall remain of the purchase made by the people of this State from the Oneida Indians, in the year one thousand seven hundred and eighty five, after making up any deficiencies which purchasers may have sustained, by the lines of the towns interfering, if any such there be.

Sales of
lands
stayed un-
til further
legislative
action.

And be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners of the land office for the time being, and they are hereby required, to direct letters patent under the great seal of this State, to be made, granting to Peter Penet, John Francis Perachè, and

Letters
patent to
issue to
persons
named.

John I. Bleecker respectively, and their respective heirs the lands reserved for, or agreed to be given to them respectively, by the last treaty made with the Oneida Indians, by the commissioners appointed for holding treaties with the Indians within this State. And as a further compensation on the part of this State for the faithful services of the said John I. Bleecker, the said commissioners are hereby empowered to direct letters patent to be granted to the said John I. Bleecker, and his heirs, for a tract of land contained within the bounds following, to wit, beginning at the northeast corner of the tract of land granted to James Deane, thence westerly along the north bounds thereof one mile, thence with a line perpendicular to the said north bounds one mile, thence easterly with a line parallel to the said north bounds one mile, thence to the place of beginning.

id.

And be it further enacted by the authority aforesaid, That it shall be lawful for the commissioners of the land office, for the time being, and they are hereby required, to direct letters patent under the great seal of this State to be made granting to John T. Kirkland, and his heirs, a tract of land of one mile square; and to George W. Kirkland and his heirs, a tract of land of one mile square; and to Samuel Kirkland and his heirs, a tract of land of two square miles; the whole to be contiguous, and laid out by the surveyor general, so as to form a square of two miles, and to be bounded on the line of property and adjoining the southern bounds of the land heretofore granted to Abraham Wemple: *And further,* to direct a grant to the said Samuel Kirkland for all that tract of land, bounded as follows, to wit; beginning at the south west corner of the land granted to James Deane, and running thence southerly to the south west corner of the tract stipulated to be granted to the said John George and Samuel Kirkland, thence with a line perpendicular to the west bounds thereof, to the line of the Oneida reservation, thence northerly along the same to the place of beginning.

New Eng-
land
Indians;
Brother
town.

And be it further enacted by the authority aforesaid, That the surveyor general, shall lay out for the New England Indians, all that part of the tract of land, formerly given to them by the Oneida Indians, which is included in the cession lately made by the Oneida Indians, to the people of this State, and laying southward of the lands herein before directed to be granted to Samuel Kirkland John T. Kirkland and George W. Kirkland which tract of land, so laid out, shall be called Brother Town, and shall remain for the cultivation, improvement and use of the said New England Indians and their brethen, consisting of the tribes called the Mohegan, Montauge, Stonington and Narraganset Indians, and the Pequots of Groton, and Nehanticks of Farmington, and their posterity; but without any power of alienation or right of leasing the same lands, or any part thereof, for any longer term than ten years; and without any power, of granting such leases, where there shall be any subsisting lease, including the same lands. And that the tract of land, confirmed by the Oneida Indians to the Stockbridge Indians at the said treaty, shall be and remain to the said Stockbridge Indians and their posterity, under the restrictions and limitations aforesaid.

Stock-
bridge In-
dians.

Lands set
apart for
public
roads.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the commissioners of the land office, in their discretion, to direct the surveyor general to survey and lay out, at the expence of the people of this State, one or more tracts of land, in the tract lately ceded by the Oneida Indians, to the people of this State, not to contain in the whole more than twenty five thousand acres, *and further,* that the said lands shall be granted to such person or persons,

any road or roads, or any part of any road or roads in or towards any part make as the said commissioners shall contract with, well and sufficiently to of the lands now belonging to the people of this State, or to make and erect any bridge or bridges, upon any road or roads, in or towards such land, as the said commissioners in their discretion, may direct to be laid out or erected; which lands shall be granted in such proportions, as the said commissioners shall for that purpose contract for, and direct; and that the said commissioners, before letters patent shall be issued for such lands, shall direct the surveyor general to examine the said roads and bridges, and if the said surveyor general shall report, that such roads and bridges are well and sufficiently made, then letters patent shall issue to the persons who shall have made the same, for such part thereof, and in such proportions, as the said commissioners shall have agreed to grant the same, for making the said roads or bridges.

And be it further enacted by the authority aforesaid, That it shall and *Id.* may be lawful to and for the commissioners of the land office in their discretion, to direct the surveyor general to survey and lay out one or more tracts of land, between the river St. Lawrence and Lake Champlain, to contain in the whole not more than twenty five thousand acres, and to divide the same at the expence of the State; such lands to be granted, in the manner, and under the like provisions contained in the last preceding clause, to such persons who shall well and sufficiently make such roads, in that part of the State, lying between the river St. Lawrence, Lake George and Lake Champlain, as the said commissioners may think proper to direct.

CHAP. 33.

AN ACT securing to James Rumsey the sole right and advantage of making and employing for a limited time, the several mechanical improvements by him lately invented.

PASSED the 26th of February, 1789.

WHEREAS James Rumsey of Berkley county in Virginia hath represented to the legislature of this State that he hath invented or improved divers engines and machines upon principles and constructions not heretofore known or used that is to say, a new and easy method of generating steam in large quantities for the purpose of working engines by forcing a small quantity of water through one or more incurvated tubes placed in a furnace which tube or tubes is distinguished by the name of a pipe boiler; a new and easy method of raising water in great quantities to any height that may be necessary for any mechanical or other useful purpose by means of steam acting upon and moving two pistons at the same time whereby the weight of one or more atmospheres may be applied for raising water in one trunk or tube, which improvement the said James Rumsey hath distinguished by the name of a pump piston machine; a new improvement upon Doctor Barkers mill, a mode by which millstones and other machinery requiring a circular motion may be turned by or worked with a smaller quantity of water than by any plan yet exhibited to the public, and entirely free from the difficulties which prevented Doctor Barkers invention from coming into use. A new and easy mode of working mill saws or any other machinery requiring alternately an opposite motion by applying the whole weight

Preamble.

or force of the water used alternately to a piston moving in a cylinder which improvement is distinguished by the said James Rumsey by the name of a cylindric saw mill; a new mode of raising water by means of steam acting upon a piston floating on the surface of the water in a trunk or cylinder whereby water may be driven or forced up another trunk or tube to any height not exceeding thirty three feet and by repeating the machinery, may be raised from thence to any other height.

And whereas the said James Rumsey hath prayed that an act may pass granting to him, his executors, administrators, and assigns, the sole and exclusive right of making and using or permitting others to make and use the above recited engines and mechanical improvements for a certain limited time. Wherefore to encourage every useful improvement and discovery, and as a reward for his ingenuity.

Models to
be lodged
in secre-
tary's office

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the said James Rumsey in his own proper person or by his certain attorney shall within nine months after the passing of this act lodge in the secretary's office of this State such specimens, draughts or models of the above recited machines and inventions as shall clearly and fully distinguish and ascertain their form and the principles upon which they operate.

Monopoly
given to
James
Rumsey.

And be it further enacted by the authority aforesaid That as soon as the said James Rumsey by himself or his certain attorney shall lodge such draughts specimens or models in the Secretary's office in such manner and within such time as is herein before directed that then the said James Rumsey his executors, administrators and assigns shall be and they are hereby vested with the sole and exclusive right of making and using or granting to others the right of making and using the above recited engines machines and mechanical improvements for and during the full end and term of fourteen years from and after the end of the present session of the legislature, in any place within this State.

Penalty for
unauthor-
ized use of
inventions.

And be it further enacted by the authority aforesaid, That if any person or persons whomsoever without being properly authorised by him the said James Rumsey his executors or administrators shall make use or employ any of the herein before recited engines machines or mechanical improvements constructed upon the principles herein before mentioned every person or persons so offending against the true intent and meaning of this act for each and every such offence shall forfeit and pay unto the said James Rumsey his executors or administrators, or to such other person or persons as he the said James Rumsey his executors, administrators or assigns shall authorise and empower for that purpose the sum of one hundred pounds to be recovered by action of debt in any court of record within this State wherein the same may be cognizable with costs of suit.

Act, how
construed.

And be it further enacted by the authority aforesaid, That neither this act nor any thing therein contained shall be taken deemed or construed to prohibit or prevent any person or persons from making using and constructing any engines, machines or mechanical improvements heretofore invented or hereafter to be invented which may be constructed on any other principles than those herein before recited.

CHAP. 34.

AN ACT to prolong the time for collecting the arrears of taxes, heretofore made receiveable in public securities, and to direct the apportionment of losses sustained on monies loaned by the people of this State, in the counties of Albany and Columbia.

PASSED the 27th of February, 1789.

WHEREAS several circumstances have contributed to prevent the due execution of the act, entitled "An act for the more effectual collection of the arrears of taxes, heretofore made receiveable in public securities," passed the fifteenth day of March, one thousand seven hundred and eighty eight, within the time limited for its operation. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the several persons who were collectors in the said act described, and they are hereby respectively required, to deliver to the treasurer of the county in which such town is included, on or before the first Tuesday of June next, the several tax lists in the said act mentioned and described: That the supervisors of the several counties, in which arrears of taxes receiveable in public securities have accrued, shall meet together in their respective counties, on or before the second Tuesday of July next, and shall do and perform the several duties enjoined on them, in and by the said act. That the several collectors in the said act mentioned, shall pay the arrears by them to be collected, to the treasurer of the county in which such arrears shall have been collected, on or before the first Tuesday of January next, and that the county treasurers respectively, shall pay the same to the treasurer of this State, on or before the third Tuesday of January next.

An be it further enacted by the authority aforesaid, That all and every the duties enjoined on the several officers, mentioned in the said act, shall be respectively performed by them, and they shall be respectively subject to the like penalties, for neglecting or refusing to perform any of those duties, as they would have respectively incurred for the like neglect or refusal to perform any of the like duties, in pursuance of the act aforesaid; and that the said act, entitled "An act for the more effectual collection of the arrears of taxes, heretofore made receiveable in public securities," shall to every other intent and purpose, be, continue and remain in full force and effect. And that such arrears shall be collected in the several towns on which they were imposed, without regard to any subsequent divisions made of such towns, or any alterations of the bounds thereof.

And be it further enacted by the authority aforesaid, That the arrears aforesaid, due from the towns in that part of the then county of Albany, erected into the county of Columbia, shall be collected in like manner as if the said county of Columbia, had been a distinct and separate county, at the time the said arrears accrued; and that the county treasurer, supervisors, and collectors of the said county of Columbia, shall perform the like duties, and be subject to the same penalties as the like officers are directed to perform and are subject to, in the other counties aforesaid.

And be it further enacted by the authority aforesaid, That the treasurer of the county of Albany, shall and may deliver such of the tax lists of

the towns aforesaid, composing the county of Columbia as may be in his hands, together with an account of the arrears of the respective towns in the said county of Columbia, to the treasurer of the said county; and that the public securities to be paid to the treasurer of this State, by the treasurer of the county of Columbia, in pursuance of this act, shall be passed to the credit of the county of Albany.

Deficiencies on loans in Columbia county.

And be it further enacted by the authority aforesaid, That such losses which have already been sustained, or may hereafter be sustained by deficiencies arising from the monies which have been loaned in pursuance of an act, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned," in the county of Albany, while it included the county of Columbia, shall be apportioned and be borne to and by the said counties respectively, in manner following, that is to say, All such deficiencies as may have arisen, or hereafter may arise by means of any of the said monies loaned on lands or tenements mortgaged, situate in the county of Columbia, shall be borne by the said county of Columbia, and the remainder of the said deficiencies, shall be borne by the county of Albany, and shall be apportioned, levied and paid, in the manner prescribed in and by the said last mentioned act, in the said counties respectively.

Id.

And be it further enacted by the authority aforesaid, That the judges of the courts of common pleas, and the supervisors of the counties of Albany and Columbia, collectively, shall execute and perform the duties enjoined on them by the said act last mentioned, in like manner as if the division of the said county of Albany had never been made.

CHAP. 35.

AN ACT to alter the time and place of estimating the votes for members of assembly, in the county of West Chester.

PASSED the 27th of February, 1789.

Preamble. WHEREAS the provisions of the act entitled "An act for regulating elections," have been found inconvenient so far as they respect the time and place of canvassing and estimating the votes for members of assembly, in the county of West-Chester. Therefore,

Canvass of votes in West-Chester county.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the supervisors of the said county, or the major part of them, shall meet together on the fourth Monday in May in every year, at the place where the court of sessions of the peace is then to be holden, in the said county, and shall then and there proceed to do and execute all and singular the duties enjoined on them, in and by the fourteenth section of the act for regulating elections, any thing in the said act contained, to the contrary in any wise notwithstanding.

CHAP. 36.

AN ACT for the preservation of heath-hens in the county of Suffolk.

PASSED the 27th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That if any person or persons, shall kill any heath-hen, within the county of Suffolk between the first day of April, and the twentieth day of October, in any year after the passing of this act, such person or persons, shall, for every such offence, forfeit and pay the sum of ten shillings, with costs of suit, for every such heath-hen so killed as aforesaid; the one half of such forfeiture, shall be paid to him or her who shall sue for the same, before any justice of the peace of the county aforesaid, who is hereby empowered and required, to hear and determine the same, and to convict the offender or offenders, by the oath of one or more credible witness or witnesses; *provided* that such conviction be made, within three months after such offence shall be committed, and the other half to the overseers of the poor of the town, where the offence shall be committed; and if any heath-hen so killed, shall be found in the possession of any person or persons, such person or persons shall be deemed guilty of the offence aforesaid, and suffer the penalty aforesaid.

Heath-hens, time in which killing prohibited.

And be it further enacted by the authority aforesaid, That all former acts and laws of this State, concerning heath-hens, shall be, and are hereby repealed.

Former acts repealed.

CHAP. 37.

AN ACT to regulate the the rates of ferriage, between the city of New York and the island of Nassau.

PASSED the 28th of February, 1789.

WHEREAS it is necessary to revise the rates established for ferriage, between the city of New York and the island of Nassau. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next, the rates or prices for carrying or transporting, men, women, horses, cattle, grain and all other goods, merchandize, commodities and things whatsoever, in the ferry boats from the city of New York, to the island of Nassau, or from the island of Nassau, to the said city of New York, shall be and remain, and hereby are established as follows, that is to say,

Ferriage, rate of, between New York and Long Island.

For {	Every horse, mare or gelding, with or without a saddle, ten pence.
	Every ox, one shilling and three pence, and other neat cattle, one shilling each.
	Every live calf, hog or sheep, three pence; and for every lamb, two pence.
	Every hundred weight of butter, cheese, hogs lard, hams, tallow or bacon, three pence.

- For { Every hundred weight of bar iron, nail rods, nails, steel, shott, painters colours, lead, pewter, rice, sugar, copperas, allum, brimstone, dyewood, or any other kind of grocery, commonly sold by the hundred, three pence.
- Every hundred weight of copper, brass, or iron hollow ware, six pence.
- Every hundred weight of gun powder, six pence.
- Every hundred weight of beef in quarters, two pence.
- Every hundred weight of beaver, racoon skins, or coats, or other furs, four pence.
- Every bushel of salt, wheat, rye, Indian corn, buckwheat, flaxseed, or any other article of grain, commonly sold by the bushel, an half penny.
- Every bushel of apples, pears, peaches, potatoes, turnips, walnuts, green beans, and peas, and every other article sold by the bushel, heap measure, an half penny.
- Every hundred of sheepshead, shad, or bass, one shilling.
- Every hundred perch, three pence.
- Every bag full of flour, meal or bread, not exceeding two bushels, one penny.
- Every barrel of wheat, rye, or Indian meal, three pence.
- Every barrel of bread, two pence.
- Every hogshead, or pipe of wine, rum, brandy or molasses, containing one hundred and twenty gallons, three shillings, and in that proportion, for casks of a greater or less-size.
- Every barrel of soap, six pence.
- Every hogshhead of cyder, one shilling and six pence.
- Every barrel of cyder, six pence.
- Every barrel of beef or pork, six pence.
- Every empty pipe, or hogshead, six pence.
- Every empty tight barrel, two pence.
- Every empty flour cask, one penny.
- Every turkey, goose, brandt or any other wild or tame fowl, one farthing.
- Every dozen of small birds, one farthing.
- Every hundred eggs, two eggs.
- Every coach, six shillings.
- Every pheaton, four shillings.
- Every one horse chaise, two shillings and six pence.
- Every riding chair, one shilling and eight pence.
- Every sulky, one shilling and six pence.
- Every waggon, three shillings.
- Every double sleigh, one shilling and six pence.
- Every single sleigh, one shilling and three pence.
- Every pair of cart wheels, one shilling.
- Every pair of chair, or waggon wheels, six pence.
- Every thousand, three feet shingles, four shillings.
- Every thousand shingles, from twenty four to twenty seven in length, two shillings and six pence.
- Every thousand shingles, from eighteen to twenty two inches in length, two shillings.
- Every thousand feet of joice, or scantling, two shillings and six pence.
- Every board of one inch thick, twelve inches wide, and fourteen feet in length, three farthings, and in that proportion for boards and plank, of different lengths and thicknesses.

- Every hundred lath, for shingling, two shillings.
 Every thousand of cedar, or pine lath, for cieling, one shilling.
 Every cedar bolt, one penny.
 Every hundred feet of window glass, three pence.
 Every tierce of lime, one shilling.
 Every bushel of loose lime, two pence.
 Every thousand of brick, two shillings.
 Every full trunk or chest, nine pence.
 Every empty trunk or chest, four pence.
 Every case with full bottles, four pence, and if empty, two pence.
 Every dozen wool or cotton cards, two pence.
 Every dozen Windsor, or other sitting chairs, one shilling.
 Every hundred weight of cotton, or sheeps wool, six pence.
 Every cupboard, or case of drawers, two shillings.
 Every writing or other desk, one shilling and six pence.
 Every dozen scythes, two pence.
 Every corn fan, one penny.
 Every piece of oznaburgs or duck, two pence.
 Every piece of blankets, duffells, coatings or frize, four pence.
 Every piece of broad cloth, serge, shrouds, flannel, half thicks or
 drugget, two pence.
 For Every piece of duroy, calamanco, shalloon or linnen, one penny.
 Every dozen of mens or boys hatts, one penny.
 Every man or womans saddle, one penny.
 Every pair of blankets, one penny.
 Every rugg, one penny.
 Every dozen of spades or shovels, two pence.
 Every looking glass, two pence.
 Every dozen of frying pans, two pence.
 Every empty firkin or pail, one farthing.
 Every empty two bushel basket, one farthing, and smaller, in
 proportion.
 Every dozen of empty bags, one half penny.
 Every side of sole leather, one penny.
 Every side of upper leather, one half penny.
 Every calf's skin, one farthing.
 Every beefs hide, two pence.
 Every barrel of tar, pitch, turpentine or rossin, six pence.
 Every hundred weight of cordage, three pence.
 Every coach body, two shillings.
 Every chaise, chair or sulky body, nine pence.
 Every passenger two pence.

and wherever a certain rate of ferriage, is fixed, for any particular quantity, or weight of goods, or merchandize, a proportionable rate, shall be taken, for any greater, or less quantity, or weight of the same goods.

Provided always, that no ferriage shall be paid, for a sucking child, or for such small articles not before enumerated, as a woman carries in her apron, or a man or boy in his hand, or under his arm.

And be it further enacted by the authority aforesaid, That for the ferriage, and transportation of all other goods, merchandize, commodities and things whatsoever, not enumerated and specified, in this act, from the city of New York, to the island of Nassau, or from the island of Nassau, to the city of New York, shall be paid, according to the rates, above specified in proportion to the weight or quantity transported, and not otherwise: And if any person or persons, shall refuse, to pay to the

Penalty for
refusal to
pay fer-
riage.

ferryman, for the time being, the rates and prices, of ferriage, limited and established by this act, the person or persons, so refusing, shall forfeit and pay, to such ferryman, treble the rate to which he, she, or they, were liable by this act; to be recovered with costs of suit, in any court, having cognizance thereof: And if any dispute shall arise, concerning the rates, or prices of ferriage, for any goods or commodities, not particularly enumerated, or expressed in this act, and the matter be brought, before any justice of the peace, by the contending parties, such justice, shall hear and determine the same, so as to him shall appear, to be conformable to the true intent and meaning, of this act, and shall award costs, against the party in default.

Penalty for exacting excessive ferriage.

And be it further enacted by the authority aforesaid, That if any ferryman, for the time being, his servant or servants, shall ask, demand, exact, impose or take, any greater or other rates for ferriage, and transportation, from the said city of New York, to the island of Nassau, or from the said island of Nassau, to the said city of New York, than are herein before limited and established, the person or persons, so offending in the premises, shall for every offence, forfeit and pay the sum of twenty shillings.

Table of rates to be posted at each ferry-house.

And be it further enacted by the authority aforesaid, That every ferryman, for the time being, shall paste upon a board, and hang up in the porch of each respective ferry house, or at the most public place therein, a table, fairly written or printed, of the rates or prices of ferriage, as established by this act: And in case any ferryman for the time being, shall neglect or refuse, to hang up such table of rates, and prices of ferriage, in manner aforesaid, he shall for every day, he shall so neglect or refuse to do the same, forfeit the sum of twenty shillings.

Boats always to be in readiness.

And be it further enacted by the authority aforesaid, That the ferryman for the time being, shall always have one or more boats, ready on each side of the river, at least one half hour before sun rise, and so shall continue, through the whole day, till eight o'clock in the evening, for the purpose of transporting passengers, and their effects, and any ferryman, who shall neglect to have his boat or boats, ready on each side of the river, to carry over any passenger or passengers, or their effects, at such time and times (wind and weather permitting) every such ferryman, so neglecting, shall forfeit and pay, for every such neglect, the sum of ten shillings, to the person or persons, so detained, to be recovered, in any court having cognizance thereof.

Brooklyn, inhabitants may use their own boats.

And be it further enacted by the authority aforesaid, That it shall be, and it hereby is made lawful, for any of the inhabitants, of the township of Brooklyn, to transport their own goods, in their own boats, from the island of Nassau, to the city of New York, and from the city of New York, to the island of Nassau, without paying any ferriage for the same, any law, usage or custom, to the contrary notwithstanding.

Penalties, how recovered.

And be it further enacted by the authority aforesaid, That all and every the penalties and forfeitures, imposed in and by this act, shall and may be recovered, with costs of suit, in any court within this State, having cognizance thereof, by any person or persons, who will sue and prosecute for the same to effect; and the one moiety of the said penalties and forfeitures, shall, when recovered, be paid to the overseers of the poor of the place, where the same shall be recovered, for the use of the poor thereof, and the other moiety to the person or persons, who shall sue for the same as aforesaid.

Part of act recited repealed.

And be it further enacted by the authority aforesaid, That the first, second and seventh sections, of the act entitled, an act to regulate the ferry between the city of New York and the island of Nassau, and to

establish the ferriage thereof, passed the 14th of October, 1732, be, and the same from the first day of May next, hereby are repealed.

CHAP. 38.

AN ACT respecting the collectors of taxes.

PASSED the 28th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the time for collecting the monies on the warrants directed, to the collectors of taxes in the city of New York by virtue of an act entitled "An act to enable the mayor recorder and aldermen of the city of New York to order the raising monies by tax for the maintenance of the poor and for defraying the other contingent expences arising in the city and county of New York" passed the 11th of March 1788, and to the collectors of taxes respectively throughout the State, by virtue of an act entitled "An act for raising monies by tax," passed the 19th of March 1788, and for paying the same to the persons respectively appointed by law to receive the same, shall be and hereby is extended to the first day of May next; and it shall be lawful for the said collectors respectively to proceed on the said warrants until the said first day of May in collecting the monies directed to be raised as aforesaid in like manner as if they had proceeded on the same before the times respectively limited by the said laws had expired; and in case of the non payment of any monies to be collected by virtue of the said laws respectively by the collectors aforesaid, it shall be lawful for the persons appointed by the said laws to receive the same, to proceed against the said collectors for the said monies, after the said first day of May in like manner and with like authority, as they could have proceeded for the same by virtue of the laws respectively aforesaid, any thing in the said acts to the contrary, notwithstanding.

Collection
of taxes,
time ex-
tended.

And be it further enacted by the authority aforesaid, That in case any suit or suits has or have been brought against any of the said collectors for non-payment of any monies which should have been collected by virtue of the laws aforesaid or either of them, it shall be lawful for the person having commenced the same, to stay the said suit or suits until after the first day of May next, upon the said collector paying the costs already accrued in the same: And, that the respective county treasurers shall pay the respective quota's of their counties to the treasurer of this State on or before the first day of June next.

Suits
against
collectors
stayed.

CHAP. 39.

AN ACT to extend the time for the payment and commutation of quit rents.

PASSED the 28th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, that the time limited for the payment and commutation of quit rents,

Quit rents,
time for
payment
extended.

in and by certain acts of the legislature of this State, shall be and the same is hereby extended to the first day of May, which will be in the year of our Lord one thousand seven hundred and ninety. *Provided*, that from and after the first day of May next, no certificate shall be received in payment for commutation or arrears of quit rents, other than those signed by the treasurer or auditor of this State, or certificates issued by the auditors appointed to liquidate and settle the depreciation of the pay of the line of the troops of this State in the service of the United States and that no interest shall be allowed on the said certificates, which shall have accrued from and after the twenty ninth day of September last past.

CHAP. 40.

AN ACT for granting certain lands in the town of Chemung.

PASSED the 28th of February, 1789.

Preamble. WHEREAS the senate and assembly by a concurrent resolution in the month of March one thousand seven hundred and eighty eight, did resolve in the words following, that is to say, "whereas a number of persons, some of them in consequence of concurrent resolutions of the senate and assembly, passed in the month of March, one thousand seven hundred and eighty three, in favour of the inhabitants therein mentioned, and others of them in consequence of other claims and pretensions, have actually settled or made improvements on lands between the Owego and Susquehannah rivers, and the partition line between this State and and the Commonwealth of Massachusetts, of the lands reciprocally ceded to each other, and dissensions have arisen among the said settlers, which may prove very injurious to themselves, and may tend to disturb the public peace. Resolved therefore, that the lands within the following limits and boundaries be erected into a town viz. beginning at the intersection of the partition line, between this State, and the Commonwealth of Massachusetts, and the the Pennsylvania line, and running from the said point of intersection, due north along the said partition line to the distance of two miles north of the Tioga river; thence with a straight line to the Owego river, to intersect the said river at the distance of four miles, on a straight line from the confluence thereof, with the Susquehannah; thence down the Owego and Susquehannah to the Pennsylvania line; and thence along the Pennsylvania line to the place of beginning. — That the said town shall be called the town of Chemung. — That James Clinton, John Hathorn and John Cantine Esquires, or any two of them, be authorized as commissioners to repair to the said town, and to enquire into the claims, pretensions and circumstances of persons who have actually settled there, or who have made improvements with intent to settle, or who may be desirous to purchase lands there from the State, with intent either to settle or procure others to settle there; and that they, the said commissioners, be also authorized in their discretion, and in such manner as they shall deem most eligible, for putting the several persons having claims or pretensions to lands within the said town, at peace among themselves; for promoting the further settlement of the said town; and for the preservation of order and good government, to assign and allot lands (except lands located on military rights) to the several persons who have actually settled on, or who have made improvements with intent to settle

on any lands within the said town, and in any quantities, to the said several persons respectively, not less than one hundred acres, nor exceeding one thousand acres to each person; and also to enter into any stipulations with any persons desirous to purchase from the State, lands (except lands so located as aforesaid) within the said town, with intent to settle, or to procure others to settle on the lands so to be purchased. *Provided*, that it shall be a stipulation that the lands shall be settled within three months after the State shall have obtained the Indian right. — That the several persons to whom lands shall be so assigned and allotted, shall be entitled to grants for the same, if they shall apply for their grants, at any time within three years, and pay into the treasury of the State, in public securities signed by the treasurer, at the rate of one shilling and sixpence per acre, for the land to be granted to them respectively. — That it be recommended to the inhabitants of the said town, to hold a town meeting at such time and place as the commissioners shall appoint, and there by plurality of voices, to elect the usual town officers. — That when the legislature shall, from the report of commissioners, be informed as to the most eligible mode, they will pass the requisite laws for carrying the intent of this resolution, into effect."

And whereas, the commissioners appointed by the said resolution, have in pursuance of the trust reposed in them, assigned and allotted to divers of the inhabitants of the said town, and other citizens of this and other States, certain lots in the said town, as appears by the report of their proceedings, and a field book and map accompanying the same. Therefore.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office, and they are hereby authorized and required to grant and convey to such respective persons, or to their legal representatives and to their heirs respectively conformably to the said concurrent resolutions, the lots within the said towns, which are so severally assigned and allotted to them by the said commissioners as set forth and expressed in the said field book and designated on the said map, which field book and map, the said commissioners are hereby required to file in the office of the surveyor general who shall on the application of any person or persons so become entitled to lands in the said town, certify to the said commissioners the bounds of the lands to which such person or persons shall severally or jointly appear to be entitled. *Provided always*,

Grants to be made by commissioners of the land office.

And be it further enacted by the authority aforesaid, That the time limited in and by the said resolution for the actual settlement of the lands so to be granted shall be and hereby is extended to the space of one year next after the State shall have obtained the Indian right to the said lands. *And provided further* that it shall and may be lawful, to and for the said commissioners of the land office to direct, that so many of the lots to be granted by virtue of this act shall be included in one patent as the persons entitled thereto shall request. And that the commissioners and secretary shall be intitled to the like fees for every such patent as are allowed them by the act entitled "An act for the sale and disposition of lands belonging to the people of this State."

Time limited for settlement.

Patents.

And be it further enacted by the authority aforesaid, That the surveyor general shall make a copy of the said map and field book, and file the originals in the secretaries office, retaining the copies so as aforesaid made, in the office of the said surveyor general.

Map and field-books to be filed.

CHAP. 41.

AN ACT for the relief of Solomon Carver and others.

PASSED the 28th of February, 1789.

Preamble. WHEREAS Samuel Waterhouse and others formerly purchased of John Lansing junior and Christopher Yates Esquires commissioners for procuring a sum in specie, a tract of land containing three thousand five hundred and thirty two acres, parcel of a tract of land situated in the county of Washington commonly called Skeen's Little Patent.

And whereas, Solomon Carver, Peter Christie, Daniel Buell, Jedediah Omstead, Enoch Wright and Samuel Waterhouse junior, having since acquired title in and to one thousand two hundred and ninety seven acres of the land conveyed to the said Samuel Waterhouse and others by the said commissioners, have represented to the legislature, that they have by mistake made considerable improvements on a tract of land belonging to the people of this State in the said tract of land called Skene's Little Patent. Therefore.

Lands to
be granted
to persons
named.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the surveyor general of this State, and he is hereby authorized and required, either by himself or by one of his deputies to make an actual survey of the lands in that part of Skeene's Little Patent lying north and east of Mackintosh's patent, which is not comprehended in the three thousand five hundred and thirty two acres conveyed to the said Samuel Waterhouse by the said John Lansing junr. and Christopher Yates Esquires as commissioners aforesaid, and the said surveyor general shall, on the said Solomon Carver, Peter Christie, Daniel Buell, Jedediah Omstead Enoch Wright and Samuel Waterhouse junior, or some or one of them producing to him a certificate from the treasurer of this State of their having paid into the treasury at and after such rate per acre, for every acre of the said land as shall be computed to have been the actual value thereof (exclusive of the improvements) on the fourth day of September, one thousand seven hundred and eighty one, to be ascertained by the appraisement of three appraisers, one of the appraisers to be chosen by the surveyor general, one other by the said Solomon Carver, Peter Christie, Daniel Buell Jedediah Omstead, Enoch Wright, and Samuel Waterhouse junior, or the major part of them, and the other by the two persons so chosen, which appraisement shall be certified by the said appraisers or any two of them under their hands and seals, execute a conveyance unto the said Solomon Carver, Peter Christie, Daniel Buell, Jedediah Omstead, Enoch Wright, and Samuel Waterhouse junior, or their heirs or representatives in fee simple for the said land agreeably to the form mentioned in the first section of the act entitled "An act relating to the forfeited estates" passed the 21st of March 1788.

Expense of
survey.

And be it further enacted by the authority aforesaid, That they the said Solomon Carver, Peter Christie, Daniel Buell, Jedediah Omstead Enoch Wright and Samuel Waterhouse junior, or some or one of them, shall pay to the said surveyor general the amount of the expences for surveying and appraisement as aforesaid, previous to their obtaining the deed aforesaid.

CHAP. 42.

AN ACT to naturalize the persons therein named, and to prevent the avoidance of titles in certain cases, by reason of alienism.

PASSED the 28th of February, 1789.

WHEREAS Francois Adrian Vander Kemp Reinira Engelbarta Johanna **Preamble.**

Vander Kemp his wife and Jan Jacob Vander Kemp and Cunira Engelbarta Vander Kemp his two children Erneste Guillaume Baron de Rottenbourg, Louise Henriette de Rottenbourg Neé Williamos his wife Philip Auguste Hennequin de Rottenburg Elizabeth De Wint the wife of John De Wint junior William Johnston Adam Calderwood George Ferguson Duncan Ferguson Peter Collin Samuel Weston George Lewis Philip Dubey, Imbert Louis Dubey, Johannis Teitsel George Gilfert Carlile Pollock Thomas Maule Richard Bullock William Thomas John Frost William Rhodes Thomas Brown Christopher Lange Maurice Collins Patrick Collins Bernard Kelly William Buckle John Johnston William Johnston John Gamble James Parker Thomas Frazer John Connely John Egnew Thomas Armstrong Andrew Bashford James Pearson Spencer Philpot Andrew Brown Robert Smith Charles Wilkes Thomas Ellison William Hanson Samuel Campbell, Samuel Hill Peter Mac Vean George Walker John Baptist Oliver, John Speyer Philip Mark Charles Borman James Cockcroft Thomas Allen John McMillan Hugh Cameron Joseph Searight James Cooper Archibald McLean Terence O. Donnell Michael Bogley John Andrew William McLymont Walter McIntosh George Brown William Cumming Kenneth Chessam Findly McDonald Alexander McDonald John Chessam Archibald Frazer Alexander McDonald Joseph Newlands James Easson Charles McGlashan Alexander McGlashan Thomas Armstrong John Dewaier John Morison Charles Orangebay James Eadie John McGellevray Tobias Hoffman George Speth William Cammeyer Johan Christopher Ehninger Dennis Sinnott Bartholomew Barnewall John Baptiste Deloffre Marian Le Brun Auguste Berthoud Jean Boand James Malide Conrad Bernhard Glaan Robert White Albrecht Behrens Joseph Maud Samuel Kerr John Smith Gilchrist Dickenson John Beeker Duncan McVean Isaac Ximens Robert Stewart James Wilson Peter McVean John McNaughton Duncan McMartin James Cleary Peter Fisher Peter McKinlay James Christie John Taylor James Morison Robert Robertson Peter Robertson Daniel MacIntyre Duncan McFarland John McIntyre John McBeth Joseph Newton Peter Forbes Daniel Stewart Thomas Stewart John Jacob Aster Alexander Wamsley Hipolite Penet Nicholas Meade John Ritson Daniel McKennon John Jacob Bush Angus McNaughtan junior, Daniel McNaughtan, John McNaughtan junior, Duncan McNaughtan, Alexander Robertson Moses Malloch Patrick McLean, Donald McKercher Finlay McCallum James Campbell Neal McGregor John Frazer Duncan McLaren Duncan McVean James McVean John McVean Duncan McVean junior, Lawrence Cramer, John Barbour Samuel Wallcott Hendrick Van Wagner James McVean James Carmichael Duncan McVean James McVean James Mason Richard Mason George Mason William McKee junior James McKee Robert Barker William Barber John Porteous John Jaeger Andrew Grosend Andreas Koch George Betzholtz Lawrence Gleichman Michael Will-

mann Frederick Glichman Hendrick Z. Bonse Jacob Weisyerber Christian Hartwick William OMeagher Rodolphus Kent John Campbell Abijah Gilbert Robert Burrell William Stockman Peter Deschent Tobias Hoffman have by their several petitions to the legislature prayed to be naturalized. Therefore

Persons
named
above nat-
uralized.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the above named persons shall be, and they are hereby respectively naturalized; and shall from and after having taken and subscribed in any court of record within this State, the oath of allegiance, to this State, and abjured and renounced all allegiance and subjection to all and every foreign king prince, potentate and State, in all matters, ecclesiastical as well as civil, be deemed citizens of this State, to all intents, constructions and purposes whatsoever: And that the court in which any of the persons herein before mentioned, shall be admitted to take such oath, shall cause an entry thereof to be made in the minutes of the said court; and shall give a certificate to such persons respectively, purporting that such person hath been admitted to such oath, in the said court, in pursuance of this act; and such persons upon taking such oath, shall respectively pay to the judges of such court six shillings, and to the clerk thereof three shillings.

Lands
heretofore
purchased
not to
escheat.

And be it further enacted, by the authority aforesaid, That no lands, tenements or hereditaments, in this State, heretofore purchased by any of the persons herein before named, shall escheat to the people of this State, by reason or on account of such person's then being an alien; but all such lands tenements and hereditaments, shall vest in such purchaser, in the same manner as if such purchaser had been naturalized at the time of such purchase; any law to the contrary notwithstanding; *provided always* that the said Jan Jacob Vander Kemp and Cunira Engelbarta Vander Kemp shall respectively take the oath of allegiance and abjuration within one year after they shall respectively attain the age of twenty one years, or be precluded from the benefits intended to be secured to them by this act. *And provided also,* that such other of the persons above named and hereby naturalized, as shall not take the oath of allegiance and abjuration aforesaid, in manner herein before directed, within twelve calender months, next after the passing of this act, shall have no manner of benefit by this act, any thing herein contained to the contrary notwithstanding.

Titles from
aliens now
held by
citizens
not to be
defeated.

And be it further enacted by the authority aforesaid, That no title or claim, of any inhabitant of this State, who is now a citizen of this State, under any patent or purchase of lands, tenements and real estate, granted to or made by an alien, at any time inhabiting in this State, since the twenty seventh day of January, in the year one thousand seven hundred and seventy, shall be defeated merely upon the pretence of alienism in the grantee or purchaser, or any person holding as by descent or otherwise, since such grant or purchase; but that such title shall be adjudged to be good, the plea or pretence of alienism, in such case notwithstanding.

Id.

And be it further enacted by the authority aforesaid, That no title or claim accruing between the third day of September 1783, and the time of passing this act, to any citizen or citizens of this State, in any lands, tenements or hereditaments, granted under the great seal of the late Colony, now State of New York, prior to the 14th day of October 1775, shall be defeated or prejudiced upon the pretence of alienism in the grantor or grantors thereof, or any other person or persons, thro' whom his her or their estate therein may have been derived, but that such

title shall in like manner be adjudged to be good and valid, the plea or pretence of alienism notwithstanding.

And be it further enacted by the authority aforesaid, That it shall be lawful for the heirs or devisees of Richard Montgomerie Esquire, late a major general in the armies of the United States, to sell, dispose of, grant and convey, to any citizen or citizens of this State, and his her or their heirs and assigns, the lands tenements and hereditaments whereof he was seized, or to which he was entitled at the time of his death, notwithstanding the plea or pretence of alienism, in such heirs or devisees.

Heirs of
Richard
Montgom-
ery.

CHAP. 43.

AN ACT for the payment of the salaries of the officers of government, and other contingent charges.

PASSED the 28th of February, 1789.

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the treasurer of this State, shall pay out of any unappropriated monies in the treasury, the sums of money herein after directed vizt.

Annual
appropriation bill.

To his excellency the governor, for administering the government of the State, from the first day of July last, to the first day of July next, at and after the rate of twelve hundred pounds.

Governor.

To the person administering the government of the State for the time being, to defray the incidental charges which may arise in and about the administering the government of the State, such sum or sums of money, as he shall from time to time by warrant under his hand, and the privy seal of the State, draw from the treasury for the purpose, not exceeding in the whole the sum of one hundred and fifty pounds.

To the Honorable Robert R. Livingston, Esquire, chancellor of the State, for his services in that station, from the first day of July last, to the first day of July next, at and after the rate of five hundred pounds.

Chancellor
Supreme
court.

To the Hon. Richard Morris Esquire, chief justice of the State, for his services in that station, from and to the respective times aforesaid, at and after the rate of five hundred pounds.

To the Honorable Robert Yates and John Sloss Hobart, Esquires, the other judges of the supreme court of this State, for their services in that station, from and to the respective times aforesaid, at and after the rate of five hundred pounds each.

To Abraham Yates junior, Ezra L'Hommedieu, Alexander Hamilton and Leonard Gansevoort Esquires, delegates from this State in Congress of the United States, at and after the rate of twenty four shillings per day, for such a time as they shall have attended, or were going to and from Congress, to the respective places of their abode, according to such accounts as they shall respectively produce, audited by the auditor of the State.

Delegates
in Con-
gress.

To the members of the council of appointment, at and after the rate of sixteen shillings per day, and for the time of their travelling from and to their respective places of abode, according to such accounts as they shall produce, certified by the clerk of the said council.

Council of
appoint-
ment.

To each of the members of the senate and assembly, for each and every day they shall have attended in senate or assembly, during the present meeting of the legislature, and for each and every day they shall

Members
of legis-
lature.

have been or may be travelling from and to their respective places of abode, to the place of the meeting of the legislature, the sum of twelve shillings for each day; such travelling charges to be computed at and after the rate of thirty miles per day, agreeable to such accounts thereof as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, (as the case may be). And the account of the president of the senate, to be certified by the clerk of the senate, and the account of the speaker of the assembly, to be certified by the clerk of the assembly.

Clerks of legislature. To John McKesson and Abraham B. Bancker, clerks of the assembly and senate, each the sum of thirty shillings per day, for their respective services during the present session, and also the amount of such accounts for monies by them advanced respectively, for the use of the senate or assembly, as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may require.

Sergeant-at-arms. To the serjeant at arms, at and after the rate of twelve shillings per day, for such time as he has attended the legislature at their present meeting, agreeable to such certificate thereof as he shall produce, signed by the speaker of the assembly.

Secretary of State. To the secretary of the State, for attending the legislature during the present session, for the purpose of receiving the laws, and attending the council of appointment from the first day of July last, to first day of July next, at and after the rate of thirty pounds. To the said secretary for his services in recording the laws, for making copies thereof with marginal notes for the press, and making copies by direction of the governor, or of the senate and assembly, and for engrossing the minutes of the council of appointment, from time to time, at and after the rate of one shilling and six pence per sheet, each sheet to consist of one hundred and twenty eight words, agreeable to such accounts thereof as he shall produce, audited by the auditor of the State.

Door-keepers. To the door keepers of the senate and assembly, at and after the rate of sixteen shillings per day, agreeable to such certificate thereof as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may require.

Governor's secretary. To the secretary to his excellency the governor, at and after the rate of one hundred and twenty five pounds per annum.

Delegates to convention. To each of the members of the late convention of delegates, held at Poughkeepsie, in the county of Dutchess, on the third Tuesday of June last, in pursuance of a resolution of the legislature of this State, at their last session, for each and every day the said delegates shall have attended the said convention, and for each and every day they were travelling from and to their respective places of abode, to the place of the meeting of the same convention, the sum of twelve shillings per day; such travelling charges to be computed at and after the rate of thirty miles per day, agreeable to such accounts thereof, as they shall respectively produce, certified by the president of the said convention.

Officers of convention. To John McKesson and Abraham B. Banker secretaries to the said convention, each the sum of thirty shillings per day, for their respective services during the session of the said convention; and also the amount of such accounts for monies by them advanced respectively, for the use of the same convention, as they shall respectively produce, signed and certified by the president of the said convention.

To David Barclay, door keeper, and to James Pritchard, messenger to the said convention, at and after the rate of twelve shillings per day each, agreeable to such certificate thereof, as they shall respectively produce, certified by the president of the said convention.

To Nicholas Powers the sum of ninety eight pounds, for his services, Printing, as printer to the said convention.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for Gerard Bancker, treasurer of the State, to retain in his own hands, the sum of five hundred pounds, for his services as treasurer, from the first day of July last, to the first day of July next; and the further sum of six hundred and twenty five pounds, for the incidental charges of his said office. State treasurer.

And be it further enacted by the authority aforesaid, That the said treasurer shall pay to the following persons, the sums herein after mentioned, vizt.

To the auditor of the State, the sum of three hundred and fifty pounds, Auditor. for his services as auditor, for one year, ending the 23d day of March next.

To Simeon DeWitt, surveyor general of the State, such sum as shall be certified by the auditor of the State to be due to him, for his salary, and the expences of his office, to the first day of May next. Surveyor-general.

To Nicholas Fish, adjutant general of the militia of the State, the sum of three hundred pounds, in full for his salary from the thirteenth day of April last, to the thirteenth day of April next. Adjutant-general.

To the collector of the customs of the port of New York, in quarterly payments, at and after the rate of fifteen hundred pounds per annum. Customs officers.

To the collector of the customs for the port of Sagg Harbour, at and after the rate of fifty pounds per annum.

To the surveyor and searcher, at and after the rate of two hundred and fifty pounds per annum.

To each of the land and tide waiters, the sum of ten shillings per day.

To Samuel Jones and Richard Varick, such sum as they shall draw from the treasury, not exceeding the sum of three hundred pounds, to enable them to purchase paper for printing the laws of this State, pursuant to the directions of the act, entitled "An act for revising and digesting the laws of this State." Printing revision of laws.

To Ezra L'Hommedieu, Samuel Jones, William Floyd, Richard Varick, and Peter Gansevoort junior, commissioners appointed by law to hold treaties with the Indians, the sum of forty pounds each, as a compensation for their attendance at the late treaty held at Fort Stanwix, in the county of Montgomery. Indian commissioners.

To Sebastian Bauman, as commissary of military stores, at and after the rate of forty pounds per annum, for his salary, from the twentieth day of November, in the year one thousand seven hundred and eighty seven to the first Monday in July next. Commissary of stores.

To his excellency the governor, the further sum of three hundred pounds, in full for the rent of the house he now lives in, together with the amount of the taxes paid on the same, from the first day of May last, to the thirtieth day of April next inclusive. Rent of executive mansion.

To the person administering the government for the time being, two thousand seven hundred and twenty five dollars, in specie, to pay to the Oneida, Onondaga and Cayuga Indians, the sums which will become due to them in June next, in pursuance of the late treaties with them. Indian treaties.

To each of the justices of the supreme court, the sum of two shillings for every affidavit taken by them, pursuant to concurrent resolutions of the two houses of the legislature, of the twenty second day of November, one thousand seven hundred and eighty one, according to such accounts thereof, as shall be audited by the auditor of this State. Affidavits.

To Egbert Benton, attorney general of the State, for his services in that station, from the first day of July last, until the first day of July next, at and after the rate of six hundred pounds per annum. Attorney-general.

Assistant
to auditor.

To William Denning at and after the rate of three hundred and fifty pounds per annum, for such time as he has been actually employed in assisting the auditor in preparing, stating and settling the accounts between this State, and the United States, from the time he entered on the said business, to the first day of April next, to be ascertained and certified by the said auditor. And that instead of the yearly salary of three hundred and fifty pounds, the said William Denning shall thereafter be allowed the sum of twenty shillings for every day he shall be employed in the business aforesaid, to be ascertained and certified as aforesaid.

Surveyor-
general.

To the surveyor general, such sums as he may from time to time require from the treasurer, not exceeding in the whole the sum of one thousand pounds, in order to enable him to perform the services that may be required of him by the several acts passed, or to be passed, during the present session of the legislature, the expenditure of which sums, to be accounted for to the auditor of the State.

State
printer.

To Samuel Loudon, the ballance of such account as shall be audited by the auditor, for services performed, and to be performed, as State printer, allowing the said Samuel Loudon six months salary after the rising of the legislature, at their present meeting; after which his office as State printer shall cease; and that the said Samuel Loudon shall within two months of the rising of the legislature aforesaid, complete the laws and journals of the present session.

Chemung,
commissioners to
lay out
town of.

To James Clinton, John Hathorn, and John Cantine, for executing the business committed to them by concurrent resolutions of the senate and assembly in the month of March 1788, at the rate of twenty four shillings per day each, for every day they were so employed, and the amount of such account of their expences, as they shall produce, audited by the auditor of this State.

Agents to
settle
boundary
disputes.

And be it further enacted by the authority aforesaid, That the auditor of this State, shall, in the settlements with the agents appointed on the part of this State, for vindicating the rights of this State, against the claims of the State of Massachusetts, and in manifesting the right of this State to the territory commonly called New Hampshire grants, allow to each of the said agents, the sum of eight dollars per day, for each day they were respectively employed, in full for their services and expences. And that such of the said agents as were members of congress, shall not be allowed pay in both capacities, at the same time.

Hosick
insurrec-
tion.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the auditor of this State, to examine the certificates given by Henry K. Van Rensselaer to sundry persons for the use of their sleighs, in transporting his regiment, in the month of January, one thousand seven hundred and eighty one, to Hosick, to suppress an insurrection; and to certify the amount thereof to the treasurer, who is hereby authorised to give to each of the said persons respectively, a certificate for the amount of his account.

CHAP. 44.

AN ACT to appropriate the lands set apart to the use of the troops of the line of this State lately serving in the army of the United States and for other purposes therein mentioned.

PASSED the 28th of February, 1789.

WHEREAS by the first section of the act entitled "An act to prevent the grants or locations of the lands therein mentioned passed the 25th day of July one thousand seven hundred and eighty two a certain tract of land in the said act described was set apart for the purpose of making grants to the officers therein mentioned and to the troops of this State serving in the army of the United States and their legal representatives. Preamble.

And whereas by the fourth section of an act entitled "An act to extend the powers of the commissioners of the land office to the cases therein mentioned and for other purposes passed 20th March 1788 it is declared that if the Indian right to such lands shall be extinguished as in the said last mentioned act is specified such lands should be appropriated to the use of such troops.

And whereas the commissioners appointed to hold treaties with the Indians have purchased of the Onondaga and Cayuga Indians certain lands being part of the lands so set apart for the use of the said troops whereby their right to the same is extinguished. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the commissioners of the land office shall be and they are hereby authorised to direct the surveyor general to lay out as many townships in the said tract of land so set apart as aforesaid as will contain land sufficient to satisfy the claims of all such persons who are or shall be entitled to grants of land by the said concurrent resolutions and by the eleventh clause of the act entitled "An act for granting certain lands promised to be given as bounty lands by laws of this State and for other purposes therein mentioned passed the eleventh day of May one thousand seven hundred and eighty four which townships shall respectively contain sixty thousand acres of land and be laid out as nearly in squares as local circumstances will permit and be numbered from number one progressively to the last inclusive and the commissioners of the land office shall likewise designate every township by such name as they shall deem proper. The first of which townships to begin on the western side of the Onondaga river at the falls thereof and all of them to be laid out contiguous to each other within the limits and bounds of the tract of land set apart for the use of the troops of this State as aforesaid, so that no part of the said townships shall extend further east than a line to be drawn north and south from the southwest corner of the lands reserved by the Oneida Indians for their own use from and out of the cession and grant made by them to the people of this State at the last treaty held with them by the commissioners appointed by a law of this State for that purpose. Townships to be laid out as bounty lands.

Provided always that no part of the said townships shall interfere with or be laid out on any part of the lands reserved by the Onondaga and Cayuga Indians for their own use or the use of any particular person or persons in the cession or grant made by them to the people of this State by the treaties lately held between the Onondaga and Cayuga Indians and the commissioners appointed for that purpose. Indian reservations not to be interfered with.

Subdivision of townships.

And be it further enacted by the authority aforesaid, That the surveyor general as soon as may be, shall make a map of each of the said townships and each township shall be subdivided on such map into one hundred lots as nearly square as may be, each lot to contain six hundred acres or as nearly that quantity as may be and the lots in every township shall be numbered from one to the last inclusive, in numerical order and one copy of such map shall be filed in the secretary's office of this State and the original shall be preserved in the said surveyor general's office and the surveyor general shall immediately after having filed such map as aforesaid in the secretary's office give notice thereof to the commissioners of the land office which said commissioners shall thereupon cause a notice to be published six weeks successively in one or more of the news papers printed in each of the cities of New York and Albany (whereof the news papers published by the printer of this State if any such there be shall be one) requiring all persons entitled to grants of bounty and gratuity lands as aforesaid who have not by themselves or their legal representatives, already exhibited their claims to exhibit the same to the said commissioners on or before the first day of January one thousand seven hundred and ninety one.

Determination of claim for lands.

And be it further enacted by the authority aforesaid, That the said commissioners after the day fixed by the said advertisement shall proceed to examine and determine the claims of all and each of the persons or their legal representatives entitled to grants as aforesaid in such mode and manner as to them shall appear equitable and just so that the bounty and gratuity intended to be given by the State be not extended to persons who may not be entitled thereto: And after such determination as aforesaid the said commissioners shall cause the names of each of the officers non-commissioned officers and privates so by them adjudged to be entitled to the bounty and gratuity as aforesaid to be written on separate ballots or tickets and as many more names of the commissioned officers entitled to such bounty on separate ballots or tickets as there shall be six hundred acres in the share to which such officers respectively are entitled by virtue of the law and resolutions aforesaid reserving the surplus that may happen to be due to such officers and which cannot be satisfied exactly by the division of the said townships into lots of six hundred acres to be provided for in the manner herein after to be directed.

Provided that no commissioned officer shall be entitled to any addition of land as a bounty or gratuity on the part of this State on account of any promotion conferred on him by the acts of Congress of the thirtieth of September and the first of November one thousand seven hundred and eighty three.

Persons entitled to grants by act of Congress.

And be it further enacted by the authority aforesaid, That it shall be the duty of the commissioners of the land office and they are hereby directed and required to take an account of all persons to whom lands shall be granted by virtue of this act and who were entitled thereto by any act or resolution of Congress and of the quantity granted to each person so entitled; and to require from each of the said persons an assignment of his her or their proportion and claim of bounty and gratuity lands under any act or acts of Congress to be made to and in the name of the surveyor general for the use of the people of this State which account and assignments shall be deposited in the office of the surveyor general of this State, in order that this State may receive a just compensation for the lands which shall be granted by virtue of this act conformably to any requisition of Congress: And it shall be and it is hereby declared to be the duty of the surveyor general for the time

being to locate and procure grants in the manner prescribed by Congress for such land so to be assigned to the people of this State. *Provided always* that it shall be in the power of the said commissioners to sell and dispose of the whole or any part of such rights so to be derived under assignments as aforesaid it shall in that case be lawful for them and they are hereby authorised to direct the surveyor general to sell the same for any public securities issued by the treasurer or auditor of this State at such price as the said commissioners shall think fit and reasonable.

And be it further enacted by the authority aforesaid, That the said commissioners shall cause the ballots or tickets aforesaid to be rolled up and put into a box, and then shall cause one hundred ballots or tickets to be made and numbered from number one to one hundred which said ballots or tickets shall also be rolled up and put in a separate box for township number one and so as many ballots or tickets numbered, rolled and put up as aforesaid for township number two, and so on for each other township which shall be laid out to satisfy the claims of persons entitled to grants of bounty and gratuity lands as aforesaid; and after having compleated the same the said commissioners shall proceed to the balloting of the said lands which shall be performed in the following manner, that is to say they shall appoint one or more person or persons who shall first draw a ticket from the box in which the names are put and then a ticket of the number of township number one until the number of ninety four names and as many lots have been drawn; and after drawing for the lots in the said township number one in manner aforesaid they shall proceed in the same manner to draw the lots in the other townships until the whole drawing is compleated and the lots in each township drawn next after the tickets marked with the name of the person entitled to such lands shall be the separate and distinct share of the person whose name was marked on the ticket drawn as aforesaid immediately before or of his legal representative and of all persons holding under him or her of which balloting and all the proceeding relating to the same the said commissioners shall make a full and fair entry and minute in a book one copy thereof certified under their hands or the hands of a majority of them shall be filed in the secretary's office and the other copy certified in the like manner in the clerks office of the county of Montgomery.

Manner of
balloting
for lots.

And be it further enacted by the authority aforesaid, That the six lots remaining in each township not ballotted for as aforesaid shall be by the commissioners aforesaid assigned in the manner following that is to say one thereof for the promoting the gospel and a public school or schools one other for promoting literature in this State to be applied in such manner as the legislature may direct and the remaining four lots to satisfy the surplus shares of commissioned officers not corresponding with the division of six hundred acres as aforesaid and to compensate such persons as may by chance draw any lot or lots the greater part of which may be covered with water.

Reservations for
school and
other purposes.

And be it further enacted by the authority aforesaid, That the said commissioners after compleating the balloting as aforesaid shall direct the surveyor general by himself or his diputies to survey the out lines of the said townships at the expence of the State as soon as conveniently may be and to make a map of each of the said townships agreeable to such survey and on the same to subdivide the lots in manner as before mentioned one copy of which to be filed in the secretary's office and one other copy in the office of the clerk of Montgomery county.

Survey and
maps.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners to direct letters patent to be

Letters
patent, is-

suance of;
fees.

prepared and granted to each of the persons by them adjudged to be entitled to grants of lands as aforesaid and that the commissioners and secretary shall respectively be entitled to the following fees for their services performed or to be performed by them respectively by virtue of this act and to be paid by the person or persons in whose favor any letters patent shall issue, that is to say to the governor for his attendance on signing and affixing the great seal to such letters patent the sum of eight shillings, and to the other of the said commissioners jointly exclusive of the secretary the like fee of eight shillings to be divided as to a majority of them shall seem proper, to the secretary for preparing the letters patent recording and keeping the minutes of the said commissioners the like fees as allowed herein before to the governor. And it is hereby made the duty of the said commissioners to direct letters patent to be granted to any person who shall apply for the same or his legal representatives including the whole of the lands to which such person or his representatives may be entitled as aforesaid in one patent provided the same does not exceed one quarter of the quantity of a township.

Settlement
to be made
in seven
years.

And be it further enacted by the authority aforesaid, That on the lands to be granted by this act there shall be an actual settlement made for every six hundred acres which may be granted to any person or persons within seven years from the first day of January next after the date of the patent by which such lands shall be granted and on the failure of such settlement, the unsettled lands shall revert to the people of this State.

Form of
patents;
reservation

And be it further enacted by the authority aforesaid, That all letters patent to be granted by virtue of this act shall be in such words and forms as the said commissioners shall direct and shall contain an exception and reservation to the people of this State of all gold and silver mines and shall convey the lands therein mentioned to the grantee and his heirs.

Location
of lands by
certain
persons.

And be it further enacted by the authority aforesaid That it shall and may be lawful to and for any person or persons holding and being entitled to any certificates issued in pursuance of the act entitled "An act for raising two regiments for the defence of this State" and the act entitled "An act for raising troops to complete the line of this State and the two regiments to be raised on bounties of unappropriated lands and for the further defence of the frontiers of this State to locate the lands to which they respectively became entitled in any part of the lands purchased or to be purchased by the people of this State from the Onondaga Cayuga or Seneca nations of Indians which they might have located upon on the first day of May in the year of our Lord, one thousand seven hundred and eighty six and that it shall and may be lawful to and for the commissioners of the land office to grant letters patent for the same in the manner prescribed by former laws respecting lands located in consequence of such certificates.

Lands
reserved.

Provided always that no such locations shall be made on any of the lands assigned to the troops of the line of this State or in any part of the township of Chemung. *And provided also* such locations be made within one year after the passing of this act.

Johannis
Lieb et al.,
grant to.

And whereas it has been suggested to the legislature that Johannis Lieb and others his associates were previous to the revolution entitled to a grant for a tract of land in the county of Montgomery and that the said lands were granted by the people of this State as a compensation for military services to other persons. *Therefore be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the

commissioners of the land office, to examine into the claims of the said Johannis Lieb and his associates and if upon such examination it shall appear that the said claim is equitable, and ought to be allowed and that the said lands have been granted by the people of this State as a compensation for military services it shall and may be lawful to and for the said commissioners to direct the surveyor general to survey and lay out at the expence of the said Johannis Lieb and his associates a tract equal in quantity to the lands so granted of any of the ungranted lands of this State, not included in the late Indian purchases or particularly reserved to the people of this State by any former law and to grant the same in like manner and on the same conditions as other lands granted on equitable claims were granted before the expiration of the time limited by former laws for that purpose.

And be it further enacted by the authority aforesaid, That whenever any person shall have located by virtue of the laws of this State, on lands belonging to this State which were occupied and improved on or before the 25th July 1782 the surveyor general shall at the expence of the person or persons having located such lands cause the same to be surveyed and also cause notice to be given in writing to the occupant or occupants and if the occupant or occupants do not apply for the same within four weeks after such notice hath been given the surveyor general shall then make a return of the survey of such lands to the commissioners of the land office and the person or persons having located the same shall be entitled to letters patent therefor. And whenever any person shall have made a claim to unappropriated lands by virtue of improvements made and occupancy had prior to the said 25th July 1782 the commissioners of the land office shall direct the surveyor general to survey such lands at the expence of the claimant and give public notice of such claim in one of the public news papers printed in each of the cities of New York and Albany for three weeks successively of such location and if no caveat be entered in the respective offices of the secretary and surveyor general satisfactory proof of such improvement and occupancy being made to the said commissioners the claimant shall be entitled to letters patent for such lands in manner by law directed. *Provided* the quantity of each claim do not exceed two hundred acres. But if caveats be entered in the respective offices of the secretary and surveyor general within the time before mentioned the commissioners of the land office shall proceed to hear and determine such claims in the manner directed by the act entitled "An act to extend the powers of the commissioners of the land office to the cases therein mentioned, and for other purposes passed the 20th of March 1788. *Provided* that all such locations or claims as aforesaid be made on or before the first day of January one thousand seven hundred and ninety one.

Surveyal
of certain
lands by
surveyor-
general.

And be it further enacted by the authority aforesaid, That the commissioners of the land office are hereby directed to grant to Lieutenant Elijah Bill a refugee from Nova Scotia, the proportion of land he would have been entitled to by any former law of this State had he applied within the time limited by the said law out of the lands set apart for the Canadian and Nova Scotia refugees.

Elijah Bill
grant to.

And be it further enacted by the authority aforesaid, That the time limited for suing out letters patent by the first paragraph of the fifth section of the act entitled "An act to extend the powers of the commissioners of the land office to the cases therein mentioned and for other purposes passed the 20th of March 1788 is hereby extended to the first day of March one thousand seven hundred and ninety so far as it respects the Canadian and Nova Scotia refugees.

Refugees,
time ex-
tended.

Luis Cook,
grant to.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the land office to grant letters patent to Luis Cook alias Hadaquitochrongwen for such tract of land lying on the Niconsiaga river beginning at the first falls on the said river and extending up the same on both sides thereof as they shall find to be his distinct property, provided the same has not been otherwise appropriated.

CHAP. 45.

AN ACT to repeal the laws therein mentioned.

PASSED the 28th of February, 1789.

Colonial
acts re-
pealed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the several acts or laws herein after mentioned, which were made in this State while the same was the province or colony of New York, that is to say, An act entitled "An act for the more effectual preservation of deer and other game, and the destruction of wolves wild cats and other vermin;" and one other act, entitled "An act for returning neat cattle and sheep to their owners," and one other act, entitled "An act for the more speedy recovery of legacies within this Colony," and one other act, entitled "An act to prevent the distruction of sheep by dogs;" and one other act, entitled "An act for the better clearing, regulating and further laying out public highways, in Kings county, Queens county, Richmond county and Orange county;" and one other act, "An act for the better regulation and further laying out public highways, in Queens county," and one other act, entitled "An act for the better extinguishing of fires that may happen within the city of Albany;" and one other act, entitled "An act to enlarge the time for the constables of the city of New York, who shall be collectors of the taxes, to pay in the taxes to be raised in the said city, and for the more effectual collecting in the taxes already assessed;" and one other act, entitled "An act for the more effectual extinguishment of fires, near the ferry in the township of Brooklyn, in Kings county;" and one other act, entitled "An act to amend an act, entitled "act for returning neat cattle and sheep to their owners, so far as it relates to Suffolk, Queens and West Chester counties;" and one other act, entitled "An act to prevent the breaking or defacing the mile stones, now or hereafter to be erected in this Colony," shall be and hereby are repealed: But all actions, suits and prosecutions now depending upon any of the said acts, may be prosecuted to effect, in the same manner as if such act had not been repealed.

State acts
repealed.

And be it further enacted by the authority aforesaid, That the several acts of the legislature of this State, herein after mentioned, that is to say, the act entitled "An act for regulating impresses of forage and carriages, and for billiting troops within this State," and the act entitled "An act to provide pasturage for the use of the army," and the act entitled "An act, more effectually to punish adherence to the King of Great Britain within this State;" and the act entitled "An act more effectually to prevent illicit trade with the enemy;" and the act entitled "An act to prevent illicit trade with the enemy" and the act entitled "An act for Indian affairs," and the act entitled "An act to regulate the exportation of butter and hogs lard," shall be and hereby are repealed.

CHAP. 46.

AN ACT to liquidate and settle claims for building the court house and gaol in the county of Montgomery, and to provide a goal for the county of Clinton,

PASSED the 3d of March, 1789.

WHEREAS an act was passed on the first day of April 1775, entitled *Preamble.*
 "An act to raise a sum not exceeding nine hundred pounds in the county of Tryon to compleat the court house and gaol erected at Johnstown in the said county."

And whereas it hath been suggested by Zephaniah Batcheller that the said sum of nine hundred pounds, or any part thereof hath not been raised in the said county, and that there is a considerable sum due to the co-partnership of James Bennet, and the said Zephaniah Batcheller on account of building and compleating the said court house and gaol, and it is reasonable that the same should be paid and satisfied. Therefore.

1. *Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the supervisors of the said county of Montgomery for the time being, or the major part of them, and they are hereby required and directed to enquire into, liquidate and settle the accounts of the monies due or claimed or alledged to be due to the said partnership of James Bennet and Zephaniah Batcheller or to any other person or or persons for or on account of the court house and goal aforesaid. And the said supervisors or the major part of them are hereby directed, and fully authorized and empowered, at any time before the first day of May which will be in the year of our Lord, one thousand seven hundred and ninety, to order and cause to be raised within the said county, such sum or sums of money as by them shall be found to be still due as aforesaid, with a reasonable allowance for interest for the same, with the further sum of nine pence in the pound for collecting the same, to be raised and paid in the same manner as the other incidental charges of the said county are raised and paid, provided the sum so to be raised shall not exceed in the whole the sum of nine hundred pounds. *Settlement of account of Bennet and Batcheller.*

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said supervisors or a majority of them and they are hereby authorized to call upon the trustees or persons, or any of them named in the act entitled "An act to raise the sum of sixteen hundred pounds in the county of Tryon to compleat the court house and erect a gaol at Johnstown in the said county" passed the 6th of February 1773," for an account of the expenditure of the said sixteen hundred pounds, and the said trustees or persons named in the said act, are hereby required and directed to account with the said supervisors or a majority of them for the expenditure of the said sixteen hundred pounds. *Trustees to account.*

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said supervisors or a majority of them, and they are hereby authorized and required to call upon every person and persons whom they may suppose to know any thing touching the building of the said court house and gaol, and the disposition of the said sum of sixteen hundred pounds, and on oath to examine such per- *Investigation of accounts, how made.*

son or persons concerning the premises of and concerning the partnership of the said James Bennet and Zephaniah Batcheller so far only as it respects their being concerned in the building of the said court house and gaol.

And whereas the inhabitants of the county of Clinton are disposed to build a block-house at Platsborough in the said county, to be used as a gaol, until a gaol can be erected for the said county. Therefore.

Clinton
county jail

Be it further enacted by the authority aforesaid, That the said block-house, when compleated, shall be deemed to be the gaol of the said county, until another sufficient gaol, shall be erected in and for the same, and that until other sufficient provision can be made in the premises, it shall also be lawful to and for the sherif of the said county of Clinton, at his discretion, to commit any of his prisoners to the gaol of the county of Albany, there to be detained, until they shall be thence legally discharged.

CHAP. 47.

AN ACT to confirm the partition of the lands therein mentioned to Samuel Brown and others.

PASSED the 3d of March, 1789.

Preamble. WHEREAS this State by their commissioners for that purpose authorized and appointed on the sixteenth day of December one thousand seven hundred and eighty six, did cede, grant, release and confirm to the Commonwealth of Massachusetts, and to the use of the Commonwealth, their grantees and the heirs and assigns of such grantees forever, the right of preemption of the soil from the native Indians, and all other the estate, right, (title and property) the right and title of government sovereignty and jurisdiction excepted) which the State of New York had of in or to two hundred and thirty thousand and four hundred acres, to be located, by the Commonwealth of Massachusetts and to be situated to the northward of and adjoining to the lands granted respectively to Daniel Cox and Robert Lettice Hooper, and their respectively associates, and between the rivers Owego and Chenango.

And whereas, Samuel Brown, Elijah Brown, Owing Stoddard, Joseph Raymond, Asa Bement, Asa Bement, jun. Elkanah Bishop Moses Ashley Elisha Blin, Ezekiel Crocker, Ira Seymour, Elizabeth Lush, Silas Pepoon, Henry William Dwight, Benjamin Pierson, Jeremiah H. Pierson, Joseph Pierson, William Brown, Ashbel Strong, Simon Larnard, Nathan Pierson, Amos Patterson, David Pixley, Jacob Parsons, Anna Bingham, Philip Cook, Ashbel Cone, William Walker, Caleb Walker, Isaac Jenks, Ebenezer Mason, Josiah G. Pierson, Washam Parks, Ebenezer Williams, John Brown, Nathaniel Bishop, Isaac Curtiss, Allen Newhall, Azariah Eagleston, Thaddeus Thompson, Stephen Brown, Stephen Nash, Jonathan Ingersoll, Samuel Brown, jun. Bulah Brown, Dudley Coleman, Elnathan Curtiss, John Chapman, Jonathan Edwards, Elihu Parsons, Eliphalet Parsons, Elisha Bradley, Asahel Bradley, Josiah Bradley, Jonathan Woodbridge, Erastus Sergeant Oliver Partridge jun. Ebenezer Cook Abner Rockwell and John Morrell have represented to this legislature that by a grant of the said Commonwealth passed the legislature thereof on the seventh day of November in the year of our Lord one thousand seven hundred and eighty seven they

have become the legal owners of the said tract of land in fee simple. *And whereas* it is further represented that the said grantees above named and their legal representatives have divided into lots part of the said tract of land to wit two townships each nearly equal to six miles square, the one lying in the southeast corner of the said tract of land bounded eastward on the said river Chenango and southward on the north line of the said land granted to Daniel Cox and Robert Lettice Hooper and their associates, the other bounded southward on the said line and eastward on the said described township, and have caused the said lots to be drawn to the rights and shares of the said grantees and their legal representatives respectively, and have produced plans of the said township with the names of the grantees or their legal representatives inscribed on the lots thereof, and have procured the same to be fairly and truly transcribed and filed in the office of the secretary of the State and the said grantees and their legal representatives having manifested to the legislature their desire that they respectively might be by law authorized to hold the said lots in severalty as the same are drawn, therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That the said several lots of land mentioned and expressed on the said plans shall be holden in severalty by the respective grantees or their legal representatives aforesaid whose names are respectively inscribed and expressed on the said lots delineated on the said plans their heirs or assigns in severalty. Partition of lands confirmed.

CHAP. 48.

AN ACT for erecting a town by the name of Middletown, and to alter the bounds of the township of Rochester and Woodstock, in the county of Ulster, and for erecting a town by the name of Easton, to alter the bounds of the towns of Schenectady, Half-moon and Balls-town in the county of Albany, and for other purposes therein mentioned.

PASSED the 3d of March, 1789.

WHEREAS it is found that the towns of Rochester and Woodstock, are too extensive and inconvenient for the inhabitants now residing in the western parts of the said towns, and that the erection of another town is become necessary. Therefore, Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all those parts of the said towns of Rochester and Woodstock, beginning on the division line between the counties of Ulster and Montgomery in the middle of the Delaware river, opposite a monument between the lots number forty and forty one, of the original division of the Great or Hardenbergh patent, and running from thence northeasterly, to the eastern shore of the said river, thence along a line of marked trees between the said lots number forty and forty one, to the Papachton river, thence across the said river, to the north bounds of great lot number eight of the said Great or Hardenbergh's patent, thence northeasterly along the north bounds of the said lot number eight, to the west bounds of a lot in the said great lot number eight, belonging to Johanna Livingston; thence along the westerly bounds thereof southwesterly to the south bounds of the said great lot number eight, thence the same course continued to the north bounds of the town of Mamakating, thence Middle-town, town of, erected.

northwesterly along the bounds of the said town, to the middle of Delaware river aforesaid; and thence up the middle of the said river to the place of beginning, be and hereby is erected into a town, by the name of Middletown.

Lands annexed to town of Hurley.

And be it further enacted by the authority aforesaid, That all that certain tract of land formerly comprehended within the bounds of the Great or Hardenbergh's patent, lately released by Margaret Livingston, widow and relict of Robert R. Livingston Esquire, deceased, to the inhabitants of Hurley, shall be and the same is hereby annexed to the town of Hurley; any thing contained in the act entitled "An act for dividing the counties of this State into towns, to the contrary hereof in any wise notwithstanding.

Easton, town of, erected.

And be it further enacted by the authority aforesaid, That all those parts of the towns of Stillwater and Saraghtoga, in the county of Albany, lying to the eastward of Hudsons river, shall from and after the first day of April next, be and the same are hereby declared to be, erected into a town, by the name of Easton and that the first election of town officers for the town of Easton shall be held at the house of Jacob Benson.

Schenectady, Half-moon and Ballston, boundary altered.

And be it further enacted by the authority aforesaid, That the line of division between the towns of Schenectady, Half-Moon and Balls-Town, shall from and after the first day of April next, be a line beginning at the southwest corner of Saraghtoga district, and running thence west to the Long lake, thence along the said lake to the south end thereof, thence south, fifty three degrees west, one hundred and eighty chains, thence north to the northeastermost corner of the south allotment of the tract of land commonly called the Kayaderosseras patent, thence along the south and southwestermost bounds of the said allotment, to the east bounds of the county of Montgomery, and that all that part of the towns of Schenectady and Half-Moon, lying to the northward and eastward of the said line, shall be annexed to and remain as part of the town of Balls-Town.

Town meetings, where to be held.

And be it further enacted by the authority aforesaid, That the said towns hereby erected, shall have the same officers to be elected on the days of the general election for town officers, and shall enjoy the like privileges as the other towns in this State are entitled to; that the first election in the town of Middletown shall be held at the house of Benjamin Ackerly, the first election in the town of Saraghtoga, shall be held at the house of Archibald McNeil, and the first election in the town of Stilwater, shall be held at the house of John Corbin.

And whereas the freeholders and inhabitants of the town of Marble Town, in the county of Ulster, by virtue and in pursuance of a certain charter to them granted have annually elected trustees for the said town, on the second Tuesday of June, in every year. *And whereas* the freeholders and inhabitants of the town of Rochester, in the county of Ulster, by virtue and in pursuance of a certain charter to them granted, have annually elected trustees for the said town, on the first Tuesday of June, in every year. *And whereas* the said days of election respectively, have been found inconvenient. Therefore,

Trustees to be elected at town meetings.

Be it further enacted by the authority aforesaid, That the trustees of the said towns respectively, shall respectively be elected, on the day of the general elections for town officers, of the said towns respectively; any thing in the said charters contained, to the contrary in any wise notwithstanding.

And whereas it has been represented to the legislature, that it is necessary to make provision for the preservation of the wood and timber on the common lands of the township of Schenectady. Therefore,

Be it further enacted by the authority aforesaid, That every person who shall at any time hereafter cut, or otherwise destroy or carry away, from and out of the common lands, of the said town of Schenectady, any tree growing thereon, of a less size than six inches diameter at the stump, shall forfeit and pay the sum of twenty shillings for every such offence; that every person who shall at any time hereafter in any of the said common lands, cut down any tree with intent to make staves thereof, or shall cut down any tree and shall not carry away every part of such tree fit for fuel, (excepting white pine trees, and such as may be applied to building and fencing) every person so offending, shall for every such offence, forfeit and pay the sum of ten shillings.

Common
lands at
Schenec-
tady, relat-
ing to tim-
ber on.

And be it further enacted by the authority aforesaid, That it shall and ^{Id.} may be lawful to and for the freeholders of the said town of Schenectady, for the time being, yearly and every year at the annual election for town officers, in the said town, by a plurality of votes, to elect four freeholders who shall be, and they are hereby authorized to sue and prosecute for the said penalties respectively, in their own names, before any justice of the peace of the county of Albany, with costs, and when recovered, they shall pay one half of the sums so recovered to the overseers of the poor of the said town, for the use of the poor thereof; and pay the remaining half, to the persons respectively, who shall inform of such offences respectively.

And be it further enacted by the authority aforesaid, That from and after the passing of this act, it shall and may be lawful to and for the freeholders and inhabitants of the town of Brookhaven, in the county of Suffolk, to elect trustees on such day as they are directed by law to hold their annual town meetings; and that all the proceedings of the trustees of the said town of Brookhaven, who have been chosen on the day the said town held their annual town meetings, agreeable to any of the laws of this State, shall be as good and effectual in the law, as if the same had been made on the day prescribed by the letters patent, granted to the said freeholders and inhabitants of the said town of Brookhaven.

Trustees of
Brook-
haven.

CHAP. 49.

AN ACT to give relief respecting debts due to persons formerly within the enemy's lines.

PASSED the 3d of March, 1789.

WHEREAS by the act entitled "An act relative to debts due to persons ^{Preamble.} within the enemies lines" passed the 12th July 1782 it is provided that no person or persons shall be allowed the benefit of that act unless he she or they shall first have taken the oath of abjuration, and the oath of allegiance to this State, and shall obtain a certificate signed by twelve reputable and well affected freeholders of this State, one whereof shall be a judge of the inferior court of common pleas of the county in which the person named in such certificate shall reside, certifying that he or she is well attached to the freedom and independence of the United States of America, and has taken an active and decided part therein. But by a mistake in printing the said act, or otherwise the word two has been substituted in the said proviso instead of the word twelve, whereby several citizens of this State are become subject to the payment of debts which were supposed to have been extinguished. Therefore,

Certificates
accepted
pass for
face value.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That in every case in which certificates shall have been accepted by the creditors described in either of the said acts, such receipts shall be deemed an extinguishment of the debts due to them respectively, to the amount of the nominal sum in certificates, received by them as aforesaid.

Interest
discharged
in certain
cases for
period of
ten years.

And be it further enacted by the authority aforesaid, That in all cases where proceedings upon the said act, or the act entitled "An act to explain and amend the act, entitled an act relative to debts due to persons within the enemies lines, passed the 24th November 1784, shall have been prosecuted to judgment of preclusion, and in which such certificates as aforesaid have not been received, the debtor or debtors shall be discharged from any interest which became due on any contract, bill, obligation or mortgage by which such debt or debts was or were secured, between the first day of January 1776, and the first day of May 1786, and shall pay the residue of the money due on such contract, bill, obligation or mortgage, in manner following, that is to say, one third part thereof on or before the first day of May 1790, one other third part thereof on or before the first day of May 1791, and the remaining third part thereof on or before the first day of May 1792, subject to the proviso's and conditions contained in the act, entitled "An act to amend an act entitled an act relative to debts due to persons within the enemy's lines, and another act entitled, "An act to explain and amend the act entitled an act relative to debts due to persons within the enemy's lines." *And provided also,* that the security mentioned in the proviso's in the act last aforesaid, shall be given within eight months after the passing of this act; but if such security shall not be given within the time last aforesaid, then the creditor or creditors shall and may prosecute and recover his her or their debts, in like manner and in the proportions herein before mentioned, as is prescribed in and by the said act, the interest during the period aforesaid, being nevertheless considered as extinguished.

CHAP. 50.

AN ACT for the relief of Benjamin Close.

PASSED the 3d of March, 1789.

Preamble.

WHEREAS by the act entitled "An act for the relief of Theodosius Fowler and others" passed the eighteenth day of April, one thousand seven hundred and eighty-seven, the estate of Benjamin Close late of the county of West Chester deceased, forfeited to the people of this State by the conviction of the said Benjamin Close, was vested in Jesse Trusdale, Benajah Starr and David Smith and their heirs, upon trust, first to pay the debts of the said Benjamin, and the remainder to be divided between the wife and certain of the children of the said Benjamin named in the said act. *And whereas* Benjamin Close eldest son of the said Benjamin Close deceased, by his petition to the legislature did set forth that his said father before his decease, or the forfeiture aforesaid, as a free gift, gave him forty acres of unimproved lands part of his estate, so as aforesaid forfeited, upon which he made considerable improvements, but by reason of the late war, never obtained any legal title or conveyance for the same.

And whereas the said Benjamin Close hath advertised his said petition, in two different public news papers printed in the city of New York,

agreeably to a resolution of the assembly of the twenty ninth day of February one thousand seven hundred and eighty eight, concurred in by the senate on the third day of March following. Therefore

I. *Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful, to and for the said Jesse Trusdale, Benejah Starr and David Smith, the trustees aforesaid, or the survivors or survivor of them or the heirs of such survivor, and they are hereby authorised and required in due form of law to grant and release unto the said Benjamin Close the son, his heirs and assigns in fee simple, the aforesaid forty acres of land now in his possession, plainly describing and ascertaining the same by meets and bounds, subject nevertheless to such mortgages, judgments or other incumbrances, as now are legally chargeable on the same except as to the trust aforesaid, any thing in the said act to the contrary thereof notwithstanding. *Provided always.*

Lands to be granted to Benjamin Close.

And be it further enacted by the authority aforesaid, That if there shall not be sufficient property of the said Benjamin Close deceased, to discharge his just debts without the said forty acres of land, then that the said forty acres of land shall be assets in the hands of the said Benjamin Close the son, who shall be liable for the value of the same as heir to his father. *And provided also* that the said Benjamin Close the son, shall be, and he is hereby precluded from any demands as a creditor of his said father.

Lands to be subject to debts of Benjamin Close, senior.

And be it further enacted by the authority aforesaid, That the twenty fifth section of the act entitled "An act directing the settlement of the public accounts and for other purposes therein mentioned shall be, and is hereby repealed.

Part of act recited repealed.

CHAP. 51.

AN ACT to enable the corporation of St. Peters church, in the city of Albany to assume the name therein mentioned.

PASSED the 3d of March, 1789.

WHEREAS by charter under the great seal of the then colony now State of New York bearing date the twenty fifth day of April, in the year of our Lord one thousand seven hundred and sixty nine, the congregation of St. Peters church in the city of Albany, were erected into a corporation by the name and stile of the Rector and Inhabitants of the city of Albany, in the county of Albany in communion of the church of England as by law established; *and whereas* the protestant episcopal church in this State has now become independent of the established church of England; *and whereas* the said corporation by their humble petition to the legislature of this State have prayed, that they might be enabled to assume and use the name of "The Rector and Inhabitants of the city of Albany in communion of the protestant episcopal church in the State of New York." Therefore

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said corporation shall and may, from and immediately after the passing of this act, take and use the name of "The Rector and Inhabitants of the city of Albany in communion of the protestant episcopal church in the State of New York," and by the same name shall be capable to sue and be sued, plead and be impleaded, answer and be answered unto, and defend and be defended, any law, usage or custom to the contrary thereof notwithstanding.

St. Peters church, Albany, name changed.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE

FIRST MEETING OF THE THIRTEENTH SESSION OF THE LEGISLATURE OF SAID STATE.

CHAP. 1.

AN ACT for the relief of Abraham Lott and others.

PASSED the 14th of July, 1789.

Abraham
Lott to be
discharged
from jail.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this State, and he is hereby directed, to discharge Abraham Lott from confinement on the execution issued at the suit of the people of this State, or the said treasurer, against him. And it is hereby declared that the judgment obtained by the people aforesaid, or the said treasurer against the said Abraham, shall operate on and bind the estate of the said Abraham from the time it was docketed according to its priority, and shall be as valid and effectual in the law, as if no execution had been issued against the said Abraham on the same.

Judgment
to be in
five years
in certifi-
cates.

And be it further enacted by the authority aforesaid, That it shall be lawful for the auditor of the State, and he is hereby directed, to liquidate and ascertain the ballance due from the said Abraham to this State, and for the treasurer at any time, within five years from the passing of this act, to receive from the said Abraham, the sum so ascertained, in any certificates, issued or to be issued by the treasurer of this State, *Provided* that the said Abraham shall pay to the said treasurer, within two years from the passing of this act, the sum of three thousand pounds in certificates aforesaid, and on failure thereof it shall be lawful for the said treasurer, and he is hereby directed, to cause an execution to be issued against the goods and chattles, lands and tenements, of the said

Abraham upon the judgment aforesaid, and if sufficient estate cannot be found wherewith to satisfy the whole of the said judgment and costs, then the said treasurer shall direct execution to be issued, against the person of the said Abraham for the unsatisfied residue, and to confine him in gaol until such residue shall be discharged.

And be it further enacted by the authority aforesaid, That before his discharge from confinement, the said Abraham shall deliver on oath to the treasurer of this State for the time being, all such vouchers, books and papers which the said Abraham became possessed of as treasurer to the late colony now State of New York, and the said treasurer is hereby directed to take such legal measures as may be necessary to compel the payment of all such sums of money that may appear by the said vouchers books and papers to be due to this State.

Books of colonial treasurer's office to be delivered to State treasurer.

And be it further enacted by the authority aforesaid, That if the said Abraham should pay the said three thousand pounds within the time above limited and should not pay the ballance that then may be due to the State within three years thereafter, it shall be lawful for the treasurer for the time being to cause an execution to be issued against the lands and tenements goods and chattles of the said Abraham upon the judgment aforesaid, and if sufficient estate cannot be found wherewith to satisfy the whole of the said judgment and costs, then the said treasurer shall direct execution to be issued against the person of the said Abraham for the unsatisfied residue, and to confine him in gaol until such residue shall be discharged.

Execution to issue on failure of payments.

And be it further enacted by the authority aforesaid, That the act entitled "An act for the relief of Abraham Lott" passed the 23d of February 1787 shall be, and hereby is repealed.

Act recited repealed.

And be it further enacted by the authority aforesaid, That Peter Webber who is now confined in gaol in the city of New York for the arrears of taxes received by him as collector of the outward of the city, by virtue of an act entitled "An act for raising one hundred thousand pounds within the several counties therein mentioned" passed May 6th, 1784, shall be discharged, and the sherif of the city and county of New York is hereby authorised and required to discharge him from imprisonment on account of the said taxes.

Peter Webber to be discharged from jail.

And whereas sundry persons, freeholders and inhabitants of the south ward in the city of New York by their petition have prayed the legislature that Elijah Price now confined in the gaol of the same city for the sum of eighty two pounds fourteen shillings and four pence, being monies by him received for taxes as collector of the southward aforesaid by virtue of an act entitled "An act for raising money by tax, passed the 29th day of April 1786, should be discharged from his said imprisonment, and that they are willing and desirous that the said deficiency should be added to their quota of any subsequent State tax that may be levied upon this State. Therefore

Be it further enacted by the authority aforesaid, That the said Elijah Price be discharged from such imprisonment, and the sherif of the said city and county is hereby authorised and required to discharge him from confinement on account of the said taxes. Nevertheless the deficiency aforesaid to be assessed and levied on and collected from the freeholders and inhabitants of the said south ward of the said city, in addition to the quota of the next State tax that shall be by law directed to be assessed and collected in the same ward.

Id.; Elijah Price.

CHAP. 2.

AN ACT appointing commissioners with power to declare the consent of the legislature of this State of New York, that a certain territory within the jurisdiction thereof should be formed or erected into a new State.

PASSED the 16th of July, 1789.

Commissioners to declare consent to organization of new State.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Robert Yates, Rufus King, Gulian Ver Planck Robert R. Livingston Simeon Dewitt, Richard Varick and John Lansing Junior Esquires shall be and hereby are appointed commissioners with full power to them or any four or more of them, in their discretion as they shall judge the peace and interest of the United States in general, and of this State in particular, to require the same, to require the same, and in such manner and form as they shall judge necessary and proper, to declare the consent, of the legislature of this State, that such district or territory within the jurisdiction, and in the northeastern or northern parts thereof, as the said commissioners shall judge most convenient, should be formed and erected into a new State. And every act of any four or more of the commissioners hereby appointed, in the execution of the power aforesaid, shall be as effectual to every purpose, as if the same had been an immediate act of the legislature of this State. *Provided always, and it is hereby declared,* that nothing in this act contained is intended, or shall be construed to give any person claiming lands in such district so to be erected into an independent State, any right to any compensation whatsoever, from this State.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE

SECOND MEETING OF THE THIRTEENTH SESSION OF THE LEGISLATURE, OF SAID STATE.

CHAP. 1.

AN ACT declaring it to be the duty of the sheriffs of the several counties within this State to receive and safe keep such prisoners as shall be committed under authority of the United States.

PASSED the 28th of January, 1790.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and is hereby declared to be the duty of the sheriffs of the several counties within this State to receive into the several goals within their respective bailiwicks and safely keep all prisoners who shall be committed to the said goals by virtue of any process to be issued under the authority of the United States until they shall be discharged by the due course of the laws thereof, the United States supporting such of the said prisoners as shall be committed for offences against the said United States. And in case any prisoner or prisoners shall escape out of the custody of any sheriff to whom he or they shall or may be committed as aforesaid, such sheriff shall be liable to the like actions and penalties, as he would have been, had such prisoner or prisoners been committed or charged in custody by virtue of any process issuing under the authority of this State; and such sheriff or sheriffs respectively into whose custody any such prisoner or prisoners shall be as aforesaid committed is hereby authorized to take and receive to his own use such sum or sums of money as shall be payable by the United States for the use of the said goals.

Sheriffs to receive and keep United States prisoners.

CHAP. 2.

AN ACT to revise and amend the acts therein mentioned.

PASSED the 28th of January, 1790.

Preamble. WHEREAS the act entitled "An act to appoint commissioners to hold treaties with the Indians in this State" passed March the 1st 1788 and the act entitled "An act to continue and amend an act entitled "An act for appointing commissioners to hold treaties with the Indians within this State," passed the 12th day of February 1789, are expired by their own limitation. *And whereas* it is necessary that the said acts should be revised. Therefore

Acts recited revived. *Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the herein before mentioned acts, shall be and hereby are revived; and that the commissioners therein respectively named, shall be commissioners to hold treaties with the Indians within State, and shall have and enjoy all the powers conferred on the commissioners named in the said first mentioned act, under the restrictions contained in the last mentioned act, passed the 12th day of February 1789.

Appropriation for expense of treaties. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the person administering the government of this State for the time being, from time to time, by warrant under his hand, to draw from the treasury of this State such sum and sums of money as the said commissioners shall deem necessary to be expended and applied in the execution of the trust and powers granted to them by the said revived acts, and in such manner as they shall deem proper and beneficial for the State. And the treasurer of this State, is hereby required, out of any monies he may have in the treasury, forthwith to answer such warrants, provided that the aggregate amount of all such warrants shall not exceed the sum of two thousand pounds, and that the expenditures of such monies shall be accounted for in manner by the said acts directed.

When acts to expire. *And be it further enacted by the authority aforesaid,* That the said herein before revived acts, shall continue in force until thirty days subsequent to the first meeting of the legislature after the first Monday in July next, and no longer.

CHAP. 3.

AN ACT for vesting in the United States of America, the light-house and lands thereunto belonging at Sandy Hook.

PASSED the 3d of February, 1790.

Preamble. WHEREAS John Cruger Philip Livingston Leonard Lisenard and William Bayard in consequence of certain acts of the legislature of the late Colony now State of New York and as trustees for the government did, on or about the tenth day of May in the year of our Lord one thousand seven hundred and sixty two purchase a certain place of ground containing four acres situate lying and being on the point of Sandy Hook in the county of Monmouth in the then Province now State of New Jersey and did afterwards erect thereon a light house and

other buildings for public uses. *And whereas* the said Philip Livingston is dead and the estate of the said William Bayard both in the State of New York and New Jersey is forfeited and the title at law of and in the said land and premises is thereby become vested in the said John Cruger and Leonard Lispenard as trustees as aforesaid. *And whereas* the United States in Congress assembled have provided for the erecting and supporting light houses and in order therefore to comply with the said acts and further the intention of the United States.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same Lands vested in United States.
That all the estate right and title of the people of the State of New York both in law and equity of in and to the said piece of land and the light house and buildings erected thereon and all the lands belonging to the same shall be and hereby is granted to and vested in the United States of America. And that the said John Cruger and Leonard Lispenard hereby are directed and required to grant release and convey all their estate right title and interest of and in the said land light house and buildings thereon to the United States of America, In confidence that in case the said United States shall make any compensation to other States in the union for the like grants and cessions, that compensation will also be made to this State for the grant and cession hereby made.

CHAP. 4.

AN ACT for the relief of the town of West Chester.

PASSED the 3d of February, 1790.

WHEREAS the trustees of the town of West Chester in the county of West Chester have by their petition to the legislature set forth that the said town had sustained considerable loss by the destruction of their court house by fire while the same was occupied as a county gaol. *And whereas* it is just and reasonable that the said loss should be borne by the said county. Therefore Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same Tax levied on West-chester county to pay for court-house at West-chester destroyed by fire.
"That it shall and may be lawful for the supervisors of the county of West Chester, or the major part of them, and they are hereby required at their next annual meeting after the passing of this act to examine into and ascertain the amount of the damages occasioned by the burning of the court house aforesaid" and to cause such sum of money as they shall judge to be a just and reasonable compensation for the loss of the said building together with one shilling in the pound for collecting, and two pence in the pound for the fees of the county treasurer for receiving and paying, to be raised, levied and collected in the said county of West Chester from the freeholders and inhabitants of the said county, of the said county, in the same manner as the necessary and contingent charges of the said county are raised, levied and collected, and to be paid by the several collectors of the several towns in the said county, after deducting their fees, to the treasurer of the said county on or before the first Tuesday of February then next, and that the said treasurer shall pay the same after deducting his fees to the trustees of the said town of West Chester in full for their loss aforesaid.

CHAP. 5.

AN ACT to enable the mayor recorder and aldermen of the city of New York to order the raising monies by tax for the maintenance of the poor and for defraying the other contingent expences arising in the said city and county.

PASSED the 9th of February, 1790.

Contingent
tax levy in
New York
city.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same; That the mayor recorder and aldermen of the city of New York or the major part of them of whom the mayor or recorder to be one shall be and hereby are fully authorised and empowered, as soon as conveniently may be after the passing of this act to order the sum of six thousand six hundred pounds to be raised by a tax on the estates real and personal of the freeholders and inhabitants within the city and county of New York to be applied to the support and maintenance of the poor of the said city and county the bridewell and the criminals from time to time confined in the gaol of the said city and county and to the repairing and maintaining the public roads and cleaning and improving the streets in the said city and county. And also the further sum of four thousand four hundred pounds by a tax on the estate real and personal of the freeholders and inhabitants within the said city at the south side of a line beginning at the out let of the meadow of Leonard Lisenard into Hudsons river and thence running to and along the north side of the dwelling house of Nicholas Bayard thence to and along the north side of the dwelling house of Richard Platt and thence to and along the north side of the dwelling house of Abraham Cannon to the East river to be applied to the payment of so many watchmen as the mayor aldermen and commonalty of the said city in common council convened shall think necessary for guarding the said city and also to the purchasing oil, providing lamps, and repairing and attending the lamps which now are or hereafter may be erected within the said city; which said several sums above mentioned shall be rated and assessed according to the estate of each respective person so to be taxed and be collected in one payment and paid into the hands of the treasurer or chamberlain of the said city at such time as the said mayor recorder and aldermen or the major of them shall direct and appoint any thing in the second section of the statute entitled An act for the more effectual collection^o of taxes in the city and county of New York contained to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the collectors of the outward of the said city to retain in their own hands the sum of eight pence in the pound and the collectors of the other several wards the sum of six pence in the pound and no more for their trouble in collecting and paying the monies by this act directed to raised to the treasurer or chamberlain of the said city; and that it shall and may be lawful for the said treasurer or chamberlain to retain in his own hands the sum of two pence in the pound and no more for his trouble in receiving and paying out the said monies.

CHAP. 6.

AN ACT to confirm the division of a tract of land granted to Jacob Lansing and others.

PASSED the 9th of February, 1790.

WHEREAS it has been represented to the legislature that in and by Preamble.
certain letters patent under the great seal of the late Colony of New York bearing date the twenty first day of August in the year of our Lord one thousand seven hundred and fifty three a certain tract of land situate lying and being at Canajoharie in the county of Albany but now in the county of Montgomery containing six thousand acres and the usual allowance for highways was granted to Jacob Lansing, Abraham Lansing and Jacob Glen their heirs and assigns for ever as tenants in common that on the nineteenth day of December in the year of our Lord one thousand seven hundred and sixty a partition and division of the said tract of land was made among the proprietors thereof by and between Jacob Lansing & Gerrit A. Lansing for and in behalf of Abraham Lansing John De Peyster for and in behalf of James De Lancey and James Stevenson for and in behalf of the heirs of Philip Livingston, and that a map of the said tract of land and of the lots into which the same was divided by John R. Bleecker, surveyor, and a written memorandum of such partition and division subscribed by the said Jacob Lansing, Gerrit A. Lansing, John De Peyster and James Stevenson is filed in the office of the clerk of the county of Montgomery.

And whereas it is further represented that the interposition of the legislature is necessary, to remove doubts which have arisen respecting the said partition and division. Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same Partition of lands confirmed.
That the said partition and division shall be and the same is hereby declared to be confirmed; and that the several proprietors who were present at or represented in making the same as aforesaid, and the persons legally entitled to their several shares, shall respectively have hold and enjoy the several lots and proportions assigned to them in and by such partition and division, in severalty, to them their heirs and assigns for ever, as if such partition and division had been made in due form of law, by and between the said proprietors.

CHAP. 7.

AN ACT for taking a census of the electors and inhabitants in this State.

PASSED the 18th of February, 1790.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same Secretary to procure and distribute schedules for the taking of a census.
That the secretary of this State shall forthwith cause a competent number of blank returns to be printed in the form of the schedule annexed to this act and shall immediately after the first day of May next deliver or cause to be delivered to the alderman or one of the assessors of each

ward of the city of New York and to the supervisor or one of the assessors of each ward of the city of Albany for the time being, such a number of the said returns according to the first of the said schedules as he shall deem sufficient for the purposes hereafter mentioned in this act, together with a copy of this act, and to the treasurer of the county of Albany and of every other county in this State such a number of the said returns according to the second of the said schedules as he shall deem sufficient for the purpose hereafter mentioned in this act together with such a number of copies of this as there are towns in the county to which the treasurers respectively belong, and also one such act and schedules for the city of Hudson to the treasurer for the county Columbia and it is hereby made the duty of the said treasurers respectively to deliver one of the said acts together with a competent number of the said schedules to each of the supervisors of the county whereof he is treasurer at the meeting of the supervisors to be held on the last Tuesday in May next and immediately thereafter to cause one of the said acts with such a number of the said schedules as he may deem sufficient to be delivered to such of the supervisors as may not attend at such meeting.

Clinton
and Onta-
rio counties

And whereas there may not be a county treasurer in either of the counties of Clinton and Ontario the secretary of the State is hereby required to transmit to the clerks of the said counties respectively such a number of the said schedules and acts as he shall deem sufficient for the purposes hereafter mentioned and each of the said clerks is hereby required to deliver to each of the supervisors in their counties respectively one of the said acts and a competent number of the said schedules for the purposes hereafter mentioned but if no supervisors and assessors shall have been elected in the said counties or either of them it is hereby made the duty of the clerks thereof, to require (by advertisements to be put up in each town) the inhabitants thereof to meet at a place and on a day to be assigned by the clerk in such advertisements which day shall be within the month of May next and being so met to elect a supervisor and assessors in manner by law directed, and further in such advertisements to require every person who shall preside at any such election immediately thereafter to make return to the clerk of the county of the name of the person elected to the office of supervisor and of the names of the persons elected to the office of assessors and the county clerk shall immediately on the receipt of every such return deliver or cause to be delivered to each supervisor one of the said acts together with such a number of the said schedules as he shall deem sufficient for the purposes hereafter mentioned and the said supervisors and assessors having taken the census as by this act is directed in their respective towns shall make their returns to the clerk of the county in like manner and under the like restrictions as the supervisors and assessors of the other counties are directed and the clerks of the said counties respectively shall transmit such returns to the secretary of this State in manner directed by this act with respect to the treasurers of the other counties.

New York
city, man-
ner of tak-
ing census.

And be it further enacted by the authority aforesaid That the aldermen and assessors for the time being of each ward in the city of New York, or the major part of them, shall without delay after the first day of May next take the number of all the electors and inhabitants residing in their respective wards, and enter the same in the returns so to be delivered to them in the following manner; in the first column the name of the head of each family; in the second the whole number of male inhabitants in the same family, if any, who are above the age of twenty

one years, and are possessed of freeholds within this State of the value of one hundred pounds, over and above all debts charged thereon; in the third the whole number of male inhabitants in the same family, if any, who are above the age of twenty one years, and are possessed of freeholds in the city or county of New York of the value of twenty pounds; and where such freehold is of the value of one hundred pounds or upwards over and above all debts charged thereon, the same person is to be numbered both in the second and third columns; in the fourth the number of male inhabitants in the same family, if any, not possessed of freeholds in the city or county of New York of the value of twenty pounds, and who are citizens of this State, and above the age of twenty one years and have personally resided within one of the counties of this State for six months immediately preceding, and who rent tenements in the same ward of the yearly value of forty shillings and have paid taxes to this State; but no person shall be numbered in the fourth column, who is numbered in the third column: In the fifth the number of male inhabitants in the same family, if any, who were freemen of the city of New York, on the fourteenth day of October in the year of our Lord one thousand seven hundred and seventy-five; but no person shall be numbered in the fifth column, who is numbered in the third or fourth columns; in the sixth the whole number of males in the same family besides slaves in the seventh the whole number of females in the same family besides slaves; and in the eighth the number of slaves in such family: And when they have completed the same in the manner hereby directed they shall subscribe such return and certify the same on their respective oaths of office to be a true return of the electors and inhabitants in their ward according to the best of their knowledge and belief, and shall on or before the first day of December next deliver or cause the same return to be delivered to the secretary of this State.

And be it further enacted by the authority aforesaid, That the supervisor and assessors for the time being of each ward in the city of Albany, or the major part of them, shall without delay after the first day of June next, take the number of all the electors and inhabitants residing in their respective wards, and enter the same in the returns so to be delivered to them in the following manner; in the first column the name of the head of each family; in the second the whole number of male inhabitants in the same family, if any, who are above the age of twenty one years, and are possessed of freeholds within this State of the value of one hundred pounds, over and above all debts charged thereon, in the third the whole number of male inhabitants in the same family, if any, who are above the age of twenty one years, and are possessed of freeholds in the city and county of Albany of the value of twenty pounds; and where such freehold is of the value of one hundred pounds or upwards over and above all debts charged thereon, the same person is to be numbered both in the second and third columns; in the fourth the number of male inhabitants in the same family, if any, not possessed of freeholds in the city or county of Albany of the value of twenty pounds, and who are citizens of this State, and above the age of twenty one years, and have personally resided within one of the counties of this State for six months immediately preceding and who rent tenements of the yearly value of forty shillings, and have paid taxes to this State; but no person shall be numbered in the 4th column, who is numbered in the third column; in the fifth the number of male inhabitants in the same family, if any, who were freemen of the city of Albany on the twentieth day of April, in the year of our Lord one thousand seven hundred and eighty seven; but no person shall be numbered in

Albany
city, man-
ner of tak-
ing census.

the fifth column who is numbered in the third or fourth column; in the sixth the whole number of males in the same family besides slaves; in the seventh the whole number of females in the same family besides slaves; and in the eighth the number of slaves in the same family; and when they have completed the same in the manner hereby directed, they shall subscribe such return and certify the same on their respective oaths of office to be a true return of the electors and inhabitants in their ward, according to the best of their knowledge and belief, and shall on or before the first day of November next, deliver or cause the same return to be delivered to the treasurer of the county of Albany, who shall carefully enclose the said returns in one or more safe and convenient packages, and place his seal on each package, and shall carry or send by a special messenger, or some other safe person, who shall give a receipt for the same, all such returns to the secretary of this State, on or before the first day of December next.

Manner of taking census in city of Hudson and in the several towns of the State.

And be it further enacted by the authority aforesaid, That the supervisors and assessors for the time being of the city of Hudson, or the major part of them, and the supervisor and assessors for the time being of each and every town in this State respectively, or the major part of them, shall without delay after the first day of May next, take the number of all the electors and inhabitants residing in the said city and towns respectively and enter the same in the returns so to be delivered to them, in the following manner; in the first column the name of the head of each family, in the second the whole number of male inhabitants in the same family if any, who are above the age of twenty one years, and are possessed of freeholds within this State, of the value of one hundred pounds, over and above all debts charged thereon; in the third the whole number of male inhabitants in the same family, if any, who are above the age of twenty one years, and are possessed of freeholds in the county in which the said city or town is situated, of the value of twenty pounds; where such freehold is of the value of one hundred pounds or upwards over and above all debts charged thereon, the same person is to be numbered both in the second and third column; in the fourth the number of male inhabitants in the same family, if any, not possessed of freeholds in the same county, and who are citizens of this State, and above the age of twenty one years, and have personally resided within one of the counties of this State, for six months immediately preceeding, and who rent tenements of the yearly value of forty shillings, and have paid taxes to this State; but no person shall be numbered in the fourth column who is numbered in the third column; in the fifth the whole number of males in the same family besides slaves; in the sixth the whole number of females in the same family besides slaves; and in the seventh the whole number of slaves in the same family: And when they have completed the same in the manner hereby directed, they shall subscribe such return, and certify the same on their respective oaths of office to be a true return of the electors and inhabitants in their city or town, expressing therein the name of the same city or town, and county according to the best of their knowledge and belief; and shall on or before the first day of November next, deliver or cause the same return to be delivered to the treasurer of the respective counties, who shall carefully enclose the said returns in one or more safe and convenient packages, and place his seal on each package, and shall carry or send by a special messenger, or some other safe person who shall give a receipt for the same, all such returns to the secretary of this State, on or before the first day of December next.

And be it further enacted by the authority aforesaid, That the secretary of this State shall without delay, after receiving the same returns, make or cause to be made from the same returns, a general account of the number of the electors and inhabitants in each county of this State, substituting in such account the names of the cities wards and towns in the first column, instead of the place of the names of the heads of families in the said returns; and a general account of the number of electors and inhabitants in this State, substituting the names of the counties in the first column, in the place of the names of the cities wards and towns in the said first accounts, and lay such accounts before the legislature at their first meeting, after the said first day of December next.

Secretary of State to make compilation of schedules.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any of the said aldermen supervisors and assessors, and each and every of them is hereby authorized to administer an oath to, and examine any person upon oath, touching the premises to enable them to make true returns as aforesaid.

Oaths to be administered.

And be it further enacted by the authority aforesaid, That if any aldermen supervisor assessor or county treasurer shall refuse or neglect to perform what is required of him by this act, every such alderman supervisor assessor or county treasurer shall forfeit and pay to the people of the State of New York, the sum of fifty pounds to be recovered with costs of suit, by the attorney general of this State, by action of debt, bill plaint or information in any court of record.

Penalty for neglect of duty.

And be it further enacted by the authority aforesaid, That the said aldermen supervisors assessors and county treasurer in each county, shall be allowed and paid for their services such sum of money as the supervisors of the same county, or the major part of them shall think reasonable, to be assessed levied and paid, as part of the county charges of the same county. And in case the clerks of the counties of Montgomery, Washington Clinton or Ontario or either of them shall find it requisite to forward the said returns by any special messenger, the legislature will provide for the expence attending the same.

Compensation for services.

And be it further enacted by the authority aforesaid, That if any head of a family shall make a return or give an account to any supervisor or assessor or other person authorized by this act to take a census of the electors and inhabitants in this State of a greater or less number of persons than belong to his or her family as freeholders of the value of one hundred pounds or as freeholders of the value of twenty pounds or as male inhabitants renting tenements of the yearly value of forty shillings who have paid taxes than actually belong to his or her family or shall return or give account of himself as possessed of such freehold estate and shall not at the same time be so possessed thereof. Every person so offending shall forfeit the sum of ten pounds to be recovered with costs of suit before any justice of the peace to and for the sole use of any person who shall sue for the same.

Penalty for false returns given by heads of families.

Schedule one.

NAMES OF THE HEADS OF FAMILIES.	Number of male inhabitants possessed of freeholds in this State of the value of £100.	Number of male inhabitants possessed of freeholds in the county of the value of £50.	Number of male inhabitants renting tenements of the yearly value of 40s who have paid taxes.	Number of freemen.	Number of males.	Number of females.	Number of slaves.
1	2	3	4	5	6	7	8

Schedule two.

NAMES OF THE HEADS OF FAMILIES.	Number of male inhabitants possessed of freeholds in this State of the value of £100.	Number of male inhabitants possessed of freeholds in the county of the value of £50.	Number of male inhabitants renting tenements of the yearly value of 40s who have paid taxes.	Number of males.	Number of females.	Number of slaves.
1	2	3	4	5	6	7

CHAP. 8.

AN ACT to enable the mayor aldermen and commonalty of the city of New York to raise by lottery the sum of thirteen thousand pounds for the purposes therein mentioned.

PASSED the 18th of February, 1790.

Preamble. WHEREAS the mayor, aldermen and commonalty of the city of New York by their petition have represented to the legislature that from a desire to accommodate the Congress of the United States in the most convenient and satisfactory manner they have not only expended in repairing and improving the city hall such money as has been heretofore raised for this purpose but are also indebted in the farther sum of thirteen thousand pounds on this account, a sum far beyond their power to discharge without legislative aid and have prayed that a law might be passed to authorize the raising the said money by one or more lotteries. *And whereas* the residence of the Congress in this city is not only beneficial to the said city but to the inhabitants of this State at large.

Lottery authorized in New York city. *Therefore, be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same* That it shall and may be lawful for the mayor aldermen and commonalty of the city of New York to raise a sum not exceeding thirteen thousand pounds by one or more lotteries to be made for this purpose and to apply the proceeds thereof to the discharge of the afore-

said debt by them incurred in repairing and improving the aforesaid city hall for the purposes aforesaid.

And in order to carry such lottery or lotteries into effect.

Be it enacted by the authority aforesaid, That it shall and may be lawful for the said mayor aldermen and commonalty of the city of New York to employ such fit persons under them to sell the tickets and manage the said lottery or lotteries and that in such way and under and under such regulations as they shall judge proper.

Agents to
superin-
tend lot-
tery.

And be it further enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any ticket or tickets to be made in virtue of this act or alter any of the numbers thereof or offer for sale or sell to any person or persons any forged or counterfeited ticket or tickets or any ticket or tickets whereof the number is altered knowing them to be such, or bring the same to any of the managers with intent to defraud the said mayor aldermen and commonalty of the city of New York or any adventurer in the said lottery or lotteries every such person or persons being thereof convicted in due course of law shall be adjudged a felon, and shall suffer death as in cases of felony.

Penalty for
forging
tickets.

And be it further enacted by the authority aforesaid, That the said mayor aldermen and commonalty of the city of New York shall report to the legislature at their next meeting the state and progress of the said lottery and to every succeeding legislature until the object of the said lottery shall be accomplished.

Report to
legislature.

CHAP. 9.

AN ACT to vest the personal estate of Samuel Baker late of West Chester county deceased in trustees for the purposes therein mentioned.

PASSED the 20th of February, 1790.

WHEREAS all the personal estate of Samuel Baker late of the county of West Chester is become forfeited to the people of the State of New York by the conviction of the said Samuel Baker *and whereas* the said Samuel Baker at the time of his conviction was indebted to Isaac Lounsbury and sundry other persons in divers sums of money, and the said Isaac Lounsbury hath represented to the legislature that there are debts due, and other property belonging to the estate of the said Samuel Baker, which hath not been discovered by the commissioners of forfeitures; and prayed that the same may be vested in trustees to be recovered and applied to the discharge of the debts owing by the said Samuel Baker at the time of his conviction. Therefore,

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That all the personal estate debts and sums of money whatsoever belonging due and owing to the said Samuel Baker at the time of his conviction, and not sold or recovered by the commissioners of forfeitures nor paid into the treasury by the debtors nor remitted by law shall be, and hereby are vested in the said Isaac Lounsbury and Gerret Keteltas their executors and administrators, in trust to sell all such estate and to recover and receive all such debts and sums of money, and to apply the produce thereof in the first place to pay the costs charges and expences of such sale and recovery and the residue thereof towards payment of the debts owing by the said Samuel Baker at the time of

Forfeited
estate of
Samuel
Baker
vested in
trustees.

his conviction to all his creditors in proportion to their respective just demands against him, and if any surplus remains after payment of such debts to pay the same to the treasurer of this State.

CHAP. 10.

AN ACT to vest in David Richard Floyd Jones the estate therein mentioned.

PASSED the 20th of February, 1790.

Preamble. WHEREAS David Jones late of Fort Neck in Queens county Long Island deceased being at the time of his death seized of an estate of inheritance in the county aforesaid did by his last will and testament devise the same to the use of his son Thomas Jones for life with several contingent remainders over, *And whereas* the interest of the said Thomas Jones in the same estate by his attainder became forfeited to and vested in the people of this State *And whereas* David Richard Floyd Jones is the next remainder man to whom the estate is limited upon the death of the said Thomas Jones *And whereas* it is represented to the legislature that the premises aforesaid are much impaired to the great injury of those in remainder.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same That all the right title and interest of the people of this State of in and to the estate aforesaid by virtue of the attainder aforesaid be and the same is hereby vested in the said David Richard Floyd Jones and his legal representatives for and during the natural life of the said Thomas Jones any law usage or custom to the contrary notwithstanding. And the said David Richard Floyd Jones is hereby released and for ever discharged off and from all arrearages of rent from him due on the estate aforesaid.

Estate of
David
Jones, de-
ceased,
vested in
David
Richard
Floyd
Jones.

CHAP. 11.

AN ACT to enable Samuel Jones and Samuel Cowes administrators of the goods chattels and credits which were of David Jones deceased not administered by his executors with his will annexed to recover the monies due on a certain mortgage given by Benjamin Birdsall to the said David Jones and to apply the same to the payment of the legacies bequeathed by him.

PASSED the 20th of February, 1790.

Preamble. WHEREAS David Jones late of Fort Neck in Queens county in the late colony now State of New York deceased by his testament and last will and the codicils thereto annexed bequeathed certain legacies to his daughters Anna and Mary and after sundry other bequests devised the residue of his estate to his son Thomas Jones and appointed his said son and his son in law Richard Floid and his friend William Nicols junior executors thereof. *And whereas* the said David Jones died on or about the eleventh day of October in the year of our Lord one thousand seven hundred and seventy five leaving the said Thomas Jones his

only son and heir at law and the said Thomas Jones Richard Floid and William Nicols soon after the death of the said David Jones caused his said testament and last will and the several codicils thereunto annexed to be proved in due form of law and took upon themselves the execution thereof. *And whereas* the said William Nicols is dead and the said Thomas Jones and Richard Floid have survived him and by an act of the legislature of this State the said Thomas Jones and Richard Floid are attainted of the offence of adhering to the enemies of the people of this State and are banished out of this State. *And whereas* after the death of the said William Nicols and after the attainder and banishment of the said Thomas Jones and Richard Floid, to wit, on the twenty eighth day of April in the year of our Lord one thousand seven hundred and eighty six administration of the goods chattels and credits which were of the said David Jones at the time of his death not administered by the said Thomas Jones Richard Floid and William Nicols with the will of the said David Jones annexed was granted to Samuel Jones and Samuel Clowes by Thomas Tredwell then judge of the court of probates in this State. *And whereas* Benjamin Birdsall of Oyster Bay South in Queens county in the then colony now State of New York house carpenter on the twenty fifth day of May in the year of our Lord one thousand seven hundred and seventy one borrowed of the said David Jones the sum of five hundred pounds of good and lawful money of the said colony and to secure the payment thereof with lawful interest by his deed poll dated the same day granted and conveyed to the said David Jones and his heirs sundry several pieces and parcels of land and meadow situate lying and being on Oyster Bay West Neck and Seamans Neck in the county and colony aforesaid with condition to be void upon payment of the said five hundred pounds with lawful interest on or before the first day of May then next. *And whereas* the whole of the principal with a large arrear of interest was due on the said mortgage to the said David Jones at the time of his death and the said Samuel Jones and Samuel Clowes have presented their petition to the legislature setting forth that they are possessed of the said mortgage and that the whole of the estate of the said David Jones which has come to their hands exclusive of the monies due on the said mortgage are not sufficient to pay the monies due for the said legacies and that they are advised that although that they are by law entitled to the money due on the said mortgage for the purposes mentioned in the will of the said David Jones yet there is no effectual mode of recovering it because the title at law in the mortgaged premises is by the attainder of the said Thomas Jones vested in the people of this State who cannot be compelled to execute any release or conveyance thereof as a private person in such case might and praying that the right and title of the people of the State of New York of and in the mortgaged premises by virtue of the attainder of the said Thomas Jones may be granted to and vested in them and their heirs to enable them to recover the monies due on the said mortgage for the purpose of paying the said legacies; Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That all the estate right title interest claim and demand whatsoever of the people of the State of New York both in law and equity by virtue of the attainder of the said Thomas Jones or otherwise of in and to the said mortgaged premises and the monies due and to grow due thereon shall be and hereby are granted to and vested in the said Samuel Jones and Samuel Clowes and the survivor of them and the heirs of such sur-

Forfeited
estate of
Thomas
Jones
vested in
trustees.

vivor for ever in trust to recover and receive the monies due and to become due on the said mortgage and to apply the same to the payment of the legacies bequeathed by the said David Jones in and by the said testament and last will and the codicils thereunto annexed and to account for and pay the residue thereof if any to the people of the State of New York.

CHAP. 12.

AN ACT for the relief of Thomas Lawrence Jacob Morris and Peter Hagerman.

PASSED the 25th of February, 1790.

Preamble. WHEREAS before the repeal of the act entitled "An act for the relief of insolvent debtors," passed the thirteenth day of April in the year one thousand seven hundred and eighty six, proceedings were commenced in the case of Thomas Lawrence and Jacob Morris, insolvent debtors, and by the repeal of the said act, the said proceedings are discontinued, and the creditors of the said Thomas Lawrence and Jacob Morris by their petition to the legislature, have prayed relief in the premises, and that the said act may be revived, as to the said Thomas Lawrence and Jacob Morris; therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said act with respect to the said Thomas Lawrence and Jacob Morris, shall be, and hereby is revived, as and from immediately before the repeal thereof; and that all proceedings commenced under the said act, in the case of the said Thomas Lawrence and Jacob Morris, shall also be, and hereby are revived; and the said act as to all proceedings heretofore commenced or had, and hereafter to be had, respecting the said Thomas Lawrence and Jacob Morris, or the estate and effects which belonged to them, or either of them, at the time of commencing the proceedings aforesaid, shall continue in full force, as to the said Thomas Lawrence and Jacob Morris, and their and each of their estates and effects, and their and each of their creditors, until it shall for the relief of the said Thomas Lawrence and Jacob Morris, and their creditors, have had full effect and operation, in like manner as as* if it had never been repealed.

And be it further enacted by the authority aforesaid, That the justice before whom the said proceedings were had, shall and may discharge the said Thomas Lawrence and Jacob Morris, from all debts due and owing by them respectively, at the time of commencing the said proceedings, when ever the said Thomas Lawrence and Jacob Morris shall have executed an assignment of all property, both real and personal, of which they were respectively seized and possessed, or entitled unto, at the time of commencing the said proceedings, excepting such parts thereof as they are allowed to retain, in and by the act hereby revived.

And be it further enacted by the authority aforesaid, That Peter Hagerman, now confined in gaol in Queens county on a warrant issued by the treasurer of the said county, on account of taxes, shall be discharged from his imprisonment by virtue of the said warrant; and the sheriff is directed to discharge him from the said gaol, if he is confined

* So in original.

Thomas Lawrence and Jacob Morris, insolvent's act revived as to.

Proceedings in settlement of estate.

Peter Hagerman discharged from imprisonment

by virtue of the said warrant, and for no other cause. But nothing herein shall discharge the town of Oyster Bay, from any arrears of taxes due to this State.

CHAP. 13.

AN ACT to continue the acts for the appointment of an auditor, and the settlement of the public accounts of this State.

PASSED the 25th of February, 1790.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act entitled "An act to continue the acts for the appointment of an auditor, and the settlement of the public accounts of this State," shall be and is hereby continued in full force and virtue to all intents and purposes, until the twenty first day of March, which will be in the year of our Lord one thousand seven hundred and ninety two.

Act appointing auditor continued for two years.

CHAP. 14.

AN ACT for the more equal assessment of estates in the county of Richmond.

PASSED the 27th of February, 1790.

WHEREAS the apportionment of taxes in the county of Richmond among the several towns has not been in due proportion; in order therefore the better to enable the supervisors of the several towns to apportion the taxes hereafter to be raised in the said county among the several towns;

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the freeholders, and inhabitants of each town in the said county of Richmond, at their next annual town meeting, to elect by plurality of voices, one person in each town, from among the freeholders resident in their respective towns, for the purposes herein after mentioned; and the persons so elected as aforesaid, shall meet at the dwelling house now occupied by John Frost in the town of Southfield on the next day subsequent to the said election; and then and there severally take the following oath, before one of the justices of the peace for the said county vizt "I do swear and declare that I will well, truly, equally and impartially according to the best of my knowledge skill and judgment, assess the whole real and personal estates of all the freeholders and inhabitants of the county of Richmond, and of all such persons as have estates there, and do not reside therein;" and shall as soon as conveniently may be, and within thirty days after such qualification, make an assessment, in the following manner; they shall proceed all together from house to house throughout the said county, until they shall have gone through the whole, and shall make out a true and exact list of the names of all the freeholders and inhabitants of each respective town in the said county, and of such as have estates therein, and do not reside there; and against the name of every such person, shall set down the value of all his or her whole estate, real and personal, as near as they can discover the same; and if

Assessors in Richmond county, election of.

Oath of office.

Manner of making assessments.

any dispute shall arise amongst them, and if they shall happen to be equally divided in their opinions, the same shall be left undetermined by them, and settled by the supervisors, at a special meeting, to be held for that purpose, at the dwelling house now occupied by John Frost in the town of Southfield, on the last Tuesday of May next thereafter; and the said persons shall deliver the said lists to the supervisors on or before the said last Tuesday of May next leaving blanks for the sums to be filled by the supervisors, of such estates as are undetermined, as aforesaid; the value of which estates shall be determined by the majority of the supervisors then present; and if they shall be divided in their opinions, so that no majority appears, they, the said supervisors shall call to their assistance, one of the judges of the court of common pleas, for the said county for the time being, whose judgment agreeing with either side shall determine in that case. And the supervisors of the said county shall apportion the taxes, to be raised in the said county of Richmond, in the present year according to the said assessment so brought in and delivered to, and by them settled, as aforesaid, in the same manner, as if the assessments had been made, by the assessors in each town.

Conceal-
ment of
property
from asses-
sors, for-
feiture for.

And be it further enacted by the authority aforesaid, That if any person or persons shall conceal any part of his, her or their personal estate from the said persons so chosen, and shall be thereof convicted, by the oath of any two credible witnesses, before any one of the justices of the peace, for the said county, they shall respectively forfeit and pay the sum of ten pounds, current money of this State, to be sued for and recovered, by the supervisors, or any two of them, with full costs of suit, and to be by the said supervisors applied towards defraying the contingent charges of the said county, as they shall think proper.

Penalty for
refusal to
perform
duties of
offices.

And be it further enacted by the authority aforesaid, That if any person chosen and elected, by virtue of this act for the purpose aforesaid, shall either refuse to take the charge upon him, or having accepted the same, shall neglect his duty therein, every such person so refusing or neglecting, shall forfeit the sum of ten pounds, to be recovered by the supervisors of the said county, or any two of them, with full costs of suit, before any one of the justices of the peace for the said county, and by the said supervisors, be applied towards defraying the contingent charges of the said county, as they shall think proper.

Compensa-
tion of
assessors.

And be it further enacted by the authority aforesaid, That the persons so elected as assessors, when they shall have performed the services enjoined them by this act, shall respectively receive such sum in consideration therefore as shall be deemed an adequate compensation by the supervisors of the said county, to be levied and collected as part of the contingent charges for the current year.

CHAP. 15.

AN ACT ratifying certain articles in addition to and amendment of the Constitution of the United States of America proposed by the Congress.

PASSED the 27th of February, 1790.

Preamble.

WHEREAS by the fifth article of the Constitution of the United States of America it is provided that the Congress whenever two thirds of both houses shall deem it necessary shall propose amendments to the said

Constitution which shall be valid to all intents and purposes as part of the said Constitution when ratified by the legislatures of three fourths of the several States or by conventions in three fourths thereof as the one or the other mode of ratification may be proposed by the Congress; *and whereas* in the session of the Congress of the United States of America begun and held at the city of New York on Wednesday the fourth of March one thousand seven hundred and eighty nine it was resolved by the senate and house of representatives of the United States of America in Congress assembled two thirds of both houses concurring, that the following articles be proposed to the legislatures of the several States, as amendments to the Constitution of the United States; all, or any of which articles, when ratified by three fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, vizt.

ARTICLES, in addition to, and amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several States, pursuant to the fifth article of the original Constitution.

Amendments to Constitution of the United States.
First.

Article the first. After the first enumeration required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.

Article the second. No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.

Second.

Article the third. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Third.

Article the fourth. A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Fourth.

Article the fifth. No soldier shall, in time of peace, be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

Fifth.

Article the sixth. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sixth.

Article the seventh. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury; except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Seventh.

- Eighth.** *Article the eighth.* In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.
- Ninth.** *Article the ninth.* In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.
- Tenth.** *Article the tenth.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.
- Eleventh.** *Article the eleventh.* The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.
- Twelfth.** *Article the twelfth.* The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.
- And whereas* the legislature of this State have considered the said articles, and do agree to the same, except the second article. Therefore,
- Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the said articles, except the second, shall be, and hereby are ratified, by the legislature of this State.
- Amend-
ments rati-
fied. ex-
cepting the
second.

CHAP. 16.

AN ACT further to extend the time for the payment and commutation of quit rents.

PASSED the 27th of February, 1790.

Quit rents,
time for
payment
extended.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the time limited for the payment and commutation of quit rents, in and by certain acts of the legislature of this State, shall be and the same is hereby extended to the first day of May, which will be in the year of our Lord one thousand seven hundred and ninety-one; *provided,* that no certificate shall be received in payment for commutation or arrears of quit rents, other than those signed by the treasurer or auditor of this State, or certificates issued by the auditors appointed to liquidate and settle the depreciation of the pay of the line of the troops of this State, in the service of the United States. And that no interest shall be allowed on the said certificates which shall have accrued from and after the twenty ninth day of September one thousand seven hundred and eighty-eight.

CHAP. 17.

AN ACT relative to the city of Albany and for granting parcel of a certain house and lot in the said city to the mayor aldermen and commonalty thereof.

PASSED the 6th of March, 1790.

WHEREAS it has been represented to the legislature that the people of the State of New York are become entitled to an estate in fee simple of and in one undivided fifth part, and of and in an estate for the life of Isaac Low of and in one other undivided fifth part of a certain dwelling house situate in the city of Albany on the south side of State street called the city tavern and the lot of ground therewith occupied and now or late in the possession of Robert Lewis and that it will tend to enable the mayor aldermen and commonalty of the city of Albany to lay out a street for the convenience and accommodation of the inhabitants of the said city, if the estate of the said people in and to the said dwelling house and lot is vested in the said mayor aldermen and commonalty. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That all the estate right title and interest which attached to or vested in the said people, of and in the said two undivided fifth parts of the said dwelling house and lot of ground shall be and the same is hereby declared to be conveyed to and vested in the said mayor aldermen and commonalty in like manner and in the same estate now vested in the people of the State of New York as aforesaid.

Provided nevertheless that the said mayor aldermen and commonalty shall annually pay or cause to be paid unto Philip Cuyler of the city of Albany during the life of the said Philip, the sum of ten pounds for a like annuity payable to the said Philip by Abraham Cuyler, by whose attainder one fifth of the said house and lot became vested in the people of this State. *And also* the further sum of ten pounds annually to the said Philip during the life of Isaac Low for a like annuity payable to the said Philip by the said Isaac as the husband of Margaret the sister of the said Philip, whose estate stands charged with the said sum of ten pounds, and in whom the fee of one fifth of the said house and lot is vested, and the use whereof will revert to her or her heirs on the demise of the said Isaac, whose life estate in the said one fifth became forfeited to the people of this State by his attainder.

And be it further enacted by the authority aforesaid That it shall and may be lawful to and for the said mayor aldermen and commonalty in common council, as soon as conveniently may be after the passing of this act to order the raising a sum not exceeding eight hundred pounds by a tax on the estates real and personal of all and every the freeholders and inhabitants within the said city within half a mile of Hudsons river and on the north side of a west line drawn from Hudsons river, at the north east corner of a tract of land commonly called the Dutch Church Pasture, to be applied to the payment of so many watchmen as the said mayor aldermen and commonalty have employed, or shall think necessary to employ for guarding the said city, and to such other purposes as to the said mayor aldermen and commonalty in common council, shall appear necessary, which said sum shall be rated and assessed by the assessors of the said city for the time being, and levied and collected

Preamble.

Property vested in city of Albany.

Proviso as to payment of annuities.

Tax levy for watchmen in Albany city.

in the same manner as hath heretofore been accustomed within the said city for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said city, and that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of, from time to time, in such manner and proportions for the purposes herein before mentioned as the said mayor aldermen and commonalty of the said city in common council convened, shall direct and appoint.

Street im-
prove-
ments,
making of
assess-
ments for.

And be it further enacted by the authority aforesaid That it shall and may be lawful to and for the mayor aldermen and commonalty of the said city in common council convened by ordinances or bye laws for that purposes to be made and ordained from time to time and in such manner as they shall judge to be most conducive to public convenience to order and direct the pitching levelling forming and paving of such of the streets of the said city as the said mayor aldermen and commonalty of the said city in common council convened, shall from time to time in their discretion by any such ordinance or bye law, designate and appoint and that for the better effecting thereof the said mayor aldermen and commonalty in common council convened shall and may cause an estimate or estimates of the expence of conforming to any such ordinance or bye law and a just and equitable assessment thereof among the owners or occupants of all the houses and lots intended to be benefited thereby in proportion as nearly as may be to the advantage they shall be deemed respectively to acquire thereby. And in order that the same may be impartially performed the said mayor aldermen and commonalty in common council convened shall from time to time appoint five sufficient and disinterested freeholders for every such purpose who shall before they enter upon the execution of their trust be duly sworn before the mayor or recorder of the said city to make the said estimate or assessment fairly and impartially according to the best of their skill and judgment and a certificate in writing of such estimate and assessment being returned to the said mayor aldermen and commonalty in common council convened shall be binding and conclusive upon the owners and occupants of such houses and lots so to be assessed respectively and such owners and occupants respectively shall thereupon become and be liable and chargeable and they are hereby required upon demand to pay to such person or persons as shall be authorized by the said mayor aldermen and commonalty by their resolution or order for that purpose to be made in common council to receive the same and in default of payment thereof it shall and may be lawful to and for the mayor recorder and aldermen of the said city or any three of them whereof the mayor or recorder always to be one by warrant under their hands and seals to cause the said sum or sums of money so assessed to be levied by distress and sale of the goods and chattles of the owner or occupant of such house or lot so assessed and refusing or neglecting to pay the same rendering the overplus if any there be after deducting the sum assessed and the charges of distress and sale to such owner or occupant or his or her legal representatives. *Provided* that it shall be lawful to and for the said mayor aldermen and commonalty in common council convened in and by any of the said ordinances or bye laws to direct and establish certain rates at which any labour or materials performed or furnished by any such owner or occupant for and towards the completing of such pavement in the manner and in the proportion directed and prescribed in and by any such ordinance or bye law shall be credited on the said assessment.

And be it further enacted by the authority aforesaid That nothing in the last mentioned clause of this act contained shall be construed to effect any contract or agreement that hath been or shall be made between any land-lord and tenant respecting the payment of any such charges or repairs but that they shall be answerable to each other in like manner as if this act had never been made and that in case any money so from time to time to be assessed for the services aforesaid shall be paid by any person, when by agreement or by law the same ought to have been borne by some other person, that then it shall and may be lawful to and for the person so paying the same, and he shall be and hereby is impowered and authorised to sue for and recover the same, with interest and costs of suit in any court having lawful cognizance thereof, as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

Landlord and tenant; payment of assessment by.

And be it further enacted by the authority aforesaid, That if upon the completion of any regulation as aforesaid it shall appear to the mayor aldermen and commonalty of the said city, in common council convened, that a greater sum of money has been bona fide expended in completing such regulation, than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said common council to cause a further assessment to be made of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occupants of all the houses and lots before assessed as aforesaid, and to cause the same to be collected in the like manner as herein before directed; and that in case the sum actually expended shall be less than the sum expressed in such estimate and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same were so collected and received as aforesaid, or his or her legal representative.

Additional assessment where cost exceeds estimate.

And whereas a number of inhabitants of the city of Albany have by their petition prayed the legislature to annex that part of Pearl street which lies to the north of Foxes creek and that part of the said city which lies to the north of the said creek, and to the west of the said street, to the second ward of the said city. Therefore

Be it further enacted by the authority aforesaid, That that part of Pearl street which lies north of Foxes creek and that part of the said city which lies to the north of the said creek, and to the west of the said street, shall be and hereby is annexed to the second ward of the said city; any law to the contrary thereof notwithstanding.

Part of city annexed to second ward.

CHAP. 18.

AN ACT appointing commissioners with power to declare the consent of the legislature of this State that a certain territory within the jurisdiction thereof should be formed or erected into a new State.

PASSED the 6th of March, 1790.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That Robert Yates, Robert R. Livingston, John Lansing junior, Gulian Verplanck Simeon De Witt Egbert Benson Richard Sill, and Melancton

Commissioners to declare consent of State to the erec.

tion of the
State of
Vermont.

Smith, shall be and hereby are appointed commissioners with full power to them or any four or more of them in their discretion as they shall judge the peace and interest of the United States in general and of this State in particular to require the same and on such terms and conditions, and in such manner and form as they shall judge necessary and proper to declare the consent of the legislature of this State that such district or territory within the jurisdiction and in the north eastern and northern parts thereof as the said commissioners shall judge most convenient should be formed and erected into a new State; and with farther full power to treat conclude and agree with any person or persons, or any assemblies or bodies of people, touching the premises or touching the ceding or relinquishing the jurisdiction of this State over such district or territory, or touching the securing or confirming of rights titles or possessions of lands within such district or territory held or claimed under grants from the State of New Hampshire while a colony, or under grants sales or locations made by the authority of the government or jurisdiction now existing and exercised in the north eastern parts of this State, under the name or style of the State of Vermont, against persons claiming the same lands under grants from this State while a colony, or since the independence thereof; and every act of any four or more of the commissioners hereby appointed in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same were an immediate act of the legislature of this State.

Provided such grants, sales or locations by or under Vermont do not extend to the westward of the towns granted located or occupied under the late colony of New Hampshire which lay in that part of the country aforesaid between the north boundary of the commonwealth of Massachusetts continued from the north west corner thereof towards Hudsons river and a parallel line extended eastward from the point of land where Fort Edward formerly stood until it meets with the west bounds of any of the said granted located or occupied towns.

Land
claims on
part of
State ceded

And be it further enacted by the authority aforesaid That whatever stipulations shall be made by the commissioners appointed by this act with any person or persons or any assemblies or bodies of people touching the premises or touching the ceding or relinquishing the jurisdiction of this State over such district or territory or touching the securing of rights titles or possessions of lands within such district) for a compensation for extinguishing the claims to lands within such district as derived under the late colony of New York shall be for the use of such claimants although in such stipulations such compensation should be declared to be for the use of this State or for the people thereof and that nothing in this act contained shall be intended or construed to give any such claimant any right to any further compensation whatsoever from this State other than such compensation which may be so stipulated as aforesaid.

Act recited
repealed.

And be it further enacted by the authority aforesaid That the act entitled "An act appointing commissioners with power to declare the consent of the legislature of this State of New York that a certain territory within the jurisdiction thereof should be formed or erected into a new State" passed the sixteenth day of July in the year one thousand seven hundred and eighty nine shall be and hereby is repealed.

CHAP. 19.

AN ACT for dividing the town of Watervliet and the town of Cocksakie each into two towns, & for altering the limits of the town of Brookhaven.

PASSED the 8th of March, 1790.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first Monday in April next, all that part of the town of Cocksakie in the county of Albany which lies west of Coeymans confirmation, and a south line to be drawn from the south west corner thereof to the south bounds of the said town shall be and become, and is hereby erected, into a distinct and separate town by the name of Freehold; and that the first town meeting of the inhabitants of the said town, shall be held at the dwelling house now occupied by Stephen Platt in the said town.

Freehold,
town of,
erected
from Cox-
sackie.

And be it further enacted by the authority aforesaid, That from and after the said first Monday in April next, all that part of the town of Watervliet in the said county of Albany, which lies west of a place where the west bounds of Coeymans patent of confirmation intersects the south bounds of the said town of Watervliet, thence northerly along the west bounds of the said patent of confirmation to the north west corner thereof, thence continuing northerly and north westerly along the tier of lots laid out by William Cockburn and Jacob Winne to the north bounds of the aforesaid town of Watervliet shall be and become and is hereby erected into a distinct and separate town by the name of Rensselaerville, and that the first town meeting of the inhabitants of the said town shall be held at the dwelling house of Johannis Fisher at the beaver dam in the said town.

Rensselaer-
ville from
Watervliet.

And be it further enacted by the authority aforesaid, That each of the said towns hereby erected shall enjoy all the rights, privileges and immunities which are granted to other towns within this State by an act of the legislature passed the 7th of March 1788, entitled "An act for dividing the counties of this State into towns."

Rights and
immuni-
ties of
towns.

And whereas it has been represented to the legislature that by the act entitled "An act for dividing the counties of this State into towns" passed the seventh day of March 1788, part of the town of Brookhaven in the county of Suffolk held in common, was by mistake annexed to the town of Islip. Therefore

Be it further enacted by the authority aforesaid, That all the beach and bay within the present limits of the town of Islip, which is included in the patent of Brookhaven, shall be, and is hereby declared to be a part of the town of Brookhaven, any thing in the before mentioned act to the contrary notwithstanding.

Brook-
haven,
part of
Islip an-
nexed to.

CHAP. 20.**AN ACT appointing commissioners to receive and state accounts and claims against this State.**

PASSED the 8th of March, 1790.

Preamble. WHEREAS sundry petitions have been presented to this legislature praying compensation for services performed and supplies advanced for the use of this State the due investigation of which is impracticable for the legislature therefore

Treasurer, auditor and attorney-general to examine claims against the State. *Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same,* That the treasurer of this State for the time being the auditor of this State for the time being and the attorney general of this State for the time being shall be and hereby are appointed commissioners to receive and examine all such accounts and claims both in law and equity as shall be exhibited against this State in such manner and methods as to them or the major part of them shall seem best and most proper for elucidating the same which accounts and claims so examined and digested the said commissioners or the major part of them are hereby directed and required to report with their observations and opinion thereon to the legislature of this State at their next meeting after the first Monday in July next.

Witnesses to be examined. *And be it further enacted by the authority aforesaid* That it shall and may be lawful to and for the said commissioners or any two of them to examine the parties and witnesses on oath relating to any such claim or demand and to administer such oath.

And whereas notwithstanding several years have elapsed since the conclusion of the late war divers claims and demands still continue to be exhibited against the State for services supplies and other matters during the said war. *And whereas* it is reasonable and proper that a period should be fixed by law for receiving such claims.

Certain claims barred after date fixed. *Be it therefore enacted by the authority aforesaid,* That all unliquidated claims and demands against this State for services supplies or on any other account whatsoever which accrued and were due for services to the twenty third day of November one thousand seven hundred and eighty three shall be exhibited and proved before such commissioners, before the first day of January next; and all such claims and demands which shall not be so exhibited and proved as aforesaid within the said last mentioned period shall and are hereby declared to be barred and forever precluded. And to the end that the people of the State may be informed thereof it is hereby declared to be the duty of the said commissioners without delay to cause advertisements to be inserted in two of the public newspapers of the city of New York and in one of the public newspapers printed in the cities of Albany and Hudson and the towns of Poughkeepsie Goshen and Rensselaerwyck, giving notice of their appointment duties and times and places for the execution thereof, and of the period by this act fixed for receiving and auditing the same.

CHAP. 21.

AN ACT to amend the act entitled An act to take out of circulation the bills of credit emitted by law and to emit others as a substitute.

PASSED the 8th of March, 1790.

WHEREAS by the seventh section of the aforesaid act it is provided Preamble.
that none of the bills emitted in pursuance of an act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned shall be exchanged at the treasury, nor taken in any payment whatsoever after the third Tuesday of June in the year one thousand seven hundred and eighty nine *and whereas* there are several of the said bills of credit still in the hands of individuals.

Therefore be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That the treasurer of this State shall out of the monies remaining in the treasury for that purpose exchange such of the said bills of credit as are still in the hands of individuals and shall be brought to the treasury for that purpose on or before the first day of January next any law to the contrary notwithstanding. Exchange of bills of credit.

CHAP. 22.

AN ACT for the better laying out, regulating, and keeping in repair common, and public highways and private roads in the county of Richmond, and for explaining and repealing parts of certain laws therein mentioned.

PASSED the 9th of March, 1790.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the freeholders and inhabitants of the county of Richmond, shall be and are hereby authorized, at their annual town meetings for electing town officers, to choose and elect three freeholders in each town, to be commissioners for laying out and regulating highways, and also as many freeholders in each town, as the majority of the freeholders and inhabitants then assembled shall think necessary, to be surveyor and overseers for the mending, repairing and keeping in order, the several highways in the respective towns, for which they shall be elected and chosen, in manner as aforesaid; and the person or persons so chosen and elected, as well the commissioners who are to regulate and lay out highways, as those elected to be overseers and surveyor thereof, are hereby required, to take the respective offices upon them; and in case of the death or removal, of any of the commissioners or overseers aforesaid, it shall and may be lawful, for two justices of the peace living in the town, and in case there should be but one, then the next justice to the said town, in conjunction with the justice in the town, to appoint some fit person to execute the office of commissioner or overseer, as the case may require, until a new election shall be made at the next annual town meeting, and every such commis- Commissioner of highways in Richmond county.

sioner or overseer, so appointed as aforesaid, shall have the same powers, and be liable to the same penalties, as if chosen at such town meeting.

Laying out
of roads.
proceed-
ings for.

And be it further enacted by the authority aforesaid, That when any new road is to be laid out, in any town, or any road already laid out requires to be altered, the commissioners for such town or the major part of them, with one or more of the commissioners from each of the other towns, are hereby empowered and authorized to lay out all such public roads or highways as they or the major part of them shall think necessary, and also to take a view of the roads already laid out, and if any of them shall appear inconvenient, and in their opinion an alteration absolutely necessary, may alter the same, and lay out such other public highways, as they or a major part of them shall think convenient, and if they find upon view, any of the above roads are lessened or blocked up, they the said commissioners, or the major part of them, shall have power, and are hereby authorized to open the same to such widths as they shall think proper not exceeding three rods, nor less than two, and if any of the roads lessened or blocked up as aforesaid, shall run between two persons lands, and a dispute shall arise which of them hath encroached upon the road, the said commissioners shall hear all the allegations and proofs on both sides of the question, and after mature deliberation give their judgment thereon, as they or the major part of them, shall think equitable and just, being first sworn in the words following vizt. "You shall well and truly try this matter in dispute between A. B. and C. D. respecting the road running between them, and give a true judgment thereon, according to evidence, so help you God," and shall open and lay out the said highway agreeable to their decision thereon, and when any roads so opened as aforesaid, shall take away lands from any person or persons, which were actually measured to him or them, as part of their land purchased, and which was before such sale laid out as a public road, the possessor of such lands shall have his remedy against the person or persons they respectively purchased from, *Provided always,* that nothing in this act shall extend, or be construed to empower the commissioners aforesaid, to lay out any road through any person lands or meadows, without the consent of the owner or owners thereof, or paying to him or them, the true value of the lands so to be laid out into a highway or road, with such damage as he shall sustain thereby; and in case of public highways or roads, if any dispute shall arise, respecting the value of the land, or the necessity of laying out such road, in that case, the said commissioners shall deliver all their proceedings, signed by themselves, or the majority of them, to the supervisors at their next meeting thereafter, who after examining the same, and hearing the objections, shall have it in their power to approve or reject the same, as it shall appear to them, or the major part of them to be reasonable or necessary, and shall likewise have power to agree with the owner or owners for the value of the land and damages, and if it shall happen, that the supervisors shall be equally divided in their opinion, so that no majority appears, then and in that case, they shall call to their assistance the treasurer of the said county, who agreeing with either side shall determine, and if the same be approved and confirmed, the said supervisors shall cause the same with all their proceedings thereon, to be entered in the county records, and the clerk is hereby directed and required to enter the same, and the supervisors shall then endeavour to agree with the owner or owners of the lands, respecting the value thereof and the amount of damages, and if they cannot agree, the same shall then be determined, and the true value set and appraised

by the oath of twelve freeholders, not having any interest in the land so laid out into an highway or road, the said freeholders to be summoned by the sherif of the said county, by virtue of a warrant to be issued by any one justice of the peace of the said county, who shall attend at the time and place mentioned in the said warrant, and swear the jury, and sit with them upon hearing the parties and swear the witnesses, but shall not give his vote with the said jury, in assessing the said value and damages; but if no controversy shall arise about the necessity of laying out such public highways, then the said commissioners shall report the same to the supervisors, at their next meeting, and the said supervisors shall then endeavour to agree with the owner or owners of the land over which such highway shall be laid out, for the value of the land and damages, and if they cannot agree, the same shall be determined by a jury in the manner aforesaid, and in all cases of public highways so laid out or altered as aforesaid, the value of the lands and damages, whether agreed on as aforesaid, or assessed by a jury, together with the charges of the commissioners, and calling and charges of a jury, if there be a jury, and of the whole proceedings thereon had, shall be levied and paid in like manner as the other contingent charges of the county, and the highways so laid out, shall be a common public highway; but if the road laid out be for the private use and benefit of any particular person or persons, then the said commissioners shall hear and determine all disputes concerning the necessity of such private road, and the value of the land, damages and charges aforesaid, shall be paid by the person or persons who desire the same to be laid out, and the road to be for the only proper use of such person or persons, and their heirs and assigns who shall pay for the same; and in case the person or persons applying for such private road, cannot agree with the owner or owners of the land, over which such private road shall go, respecting the value of the land and damages, then the same shall be assessed by a jury in the manner above directed, *always provided*, that the person through whose land the road shall be so laid out, his heirs or assigns shall not be debarred from crossing, or using the said road.

And be it further enacted by the authority aforesaid, That if any person or persons within the said county, do, or hereafter shall alter, stop up, or lessen, or shall wantonly damage any road, bridges or causways, or fence across any road or highway in the said county, or erect or set up any gates thereon, or put or leave in any of them, any unnecessary obstruction without leave of the said commissioners, or if any person shall leave a dead horse, or the carcase of any other beast or any broken carriage in any road or highway for any longer time than may be necessary to remove the same, every such person shall for every such offence, forfeit and pay to the overseers of the highways of the district where the offence shall be committed, the sum of forty shillings, to be recovered by the said overseer of the highway, with costs of suit, before any justice of the peace, upon the oath of any one credible witness, and levied by warrant from any justice of the peace, directed to the constable of the town or place where such offence is committed, by distraining the goods and chattels of the offender, and the said constable, after six days notice shall be given by him, of the selling the said goods and chattels, shall make sale thereof, and out of the produce of such sales pay the said forfeiture and charges, and return the overplus (if any there be) to the owner or owners thereof, which said forfeiture of forty shillings, shall be applied by the overseer of the highways, for and towards repairing the public roads or highways, within the town where such forfeiture shall arise.

Obstruct-
ing roads
and
bridges,
penalty for

Width of
roads.

And be it further enacted by the authority aforesaid, That all common public roads or highways, which shall be hereafter laid out by the aforesaid commissioners, shall not exceed three rods in breadth, nor be less than two, and where any private road for any person or persons particular use or benefit as aforesaid, shall be laid out through any persons land or meadow it shall not exceed the breadth of twenty feet.

Repairing
of roads
by inhab-
itants.

And be it further enacted by the authority aforesaid, That the inhabitants of the town or towns, where any common public roads or highways, have, or shall run, or be hereafter ascertained or laid out, are hereby obliged to clear and maintain the same, by draining, banking, cutting or stubbing the brush, carrying off the stones, and also the limbs of trees hanging over the the said roads, to be lopped and carried off, or the trees cut down as the same may be necessary, and so often as they or any of them shall have notice from the respective surveyors or overseers of the highways for the time being, shall by themselves or servants, clear, level and amend the highways in such place and manner as they shall be directed by the said overseers, or surveyors respectively, not exceeding six days in the year, nor less than four, and for each day every person shall neglect or refuse, to work on the highways as aforesaid, he shall forfeit and pay to the overseer of the highways of the town or place where he shall reside, the sum of six shillings for every day he shall so refuse or neglect to work, and if the said penalty is not paid within six days after the same shall be incurred, it shall be levied with four shillings costs, by a warrant under the hand and seal of the said overseer of the highways, directed to one of the constables of the town, where the neglect or refusal happens, and such constable shall levy the same, by distress and sale of the goods and chattels of the offender, and pay the said penalty to the said overseer of the highways with one shilling for the said warrant, and retain the other three shillings for his fees, returning the overplus of such sales (if any there be) to the owner or owners, and the said penalty shall be applied by the said overseer of the highways, towards amending and repairing the highways in his district. *Provided always,* That every freeholder and inhabitant, whose real and personal property shall not exceed in value the sum of one hundred pounds, shall not be obliged to work on the said highways, more than three days in every year.

Timber in
road may
be used for
repairs.

And be it further enacted by the authority aforesaid, That all trees that stand in any persons land, thro' which any common public road or highway, is, or may hereafter be laid out shall be for the proper use of the owner or owners of the same, but the owner shall not hinder the public from making use of so much timber which is standing or laying on that road as will amend and repair the highways or road running through that land, and if there should not be sufficient timber on the public roads to amend and repair the same, or should any other materials for that purpose be necessary or wanting, the overseers shall have power to purchase any of the aforesaid materials in the best and cheapest manner they can, and shall carry in their respective accounts to the supervisors, who shall add so much to the respective towns where the same did arise, and be by them raised in the same manner as the other contingent charges are raised and levied.

Gates,
where to
be placed.

And be it further enacted by the authority aforesaid, That where any highway from any plantation to any meadow, mills or common landing places, shall run through any person or persons land or meadow, it shall and may be lawful, for any such person or persons, by the approbation of the commissioners as aforesaid, to place and hang good and easy swinging gates on such highways, and keep them in good repair, at their

own proper cost, and the several gates already standing and allowed, may or shall be approved and continued or altered as the commissioners shall judge most convenient.

And be it further enacted by the authority aforesaid, That if the overseers of the roads and highways, shall think fit, and have occasion for any team, cart or waggon, and a man to manage the same, the said team cart or waggon shall be esteemed to be, for and in lieu and stead of three days work of a single man, and the fine proportionable, and every person when called to work on the roads, shall bring such implements as spades axes and other utensils, as shall be directed and approved of by the surveyors or overseer of the highways respectively.

Wagon and
team for
work on
road.

And be it further enacted by the authority aforesaid That the commissioners, or the majority of them shall from time to time enter in writing all the highways or roads by them laid out, altered or stopped up, and sign the same, and cause them to be entered in the county records, and the clerk is hereby directed and required to enter the same, unless in case of public roads where a dispute arises about the necessity of laying out such road, in which case, the said commissioners are to return their said proceedings to the supervisors as is herein before directed, and whatsoever the said commissioners shall do according to the powers given them by this act, being so entered in the county record shall be good and valid to all intents and purposes whatsoever.

Record of
highways.

And be it further enacted by the authority aforesaid That each commissioner shall have take and receive a sum not exceeding six shillings for every day he shall be employed in laying out and regulating or opening highways as aforesaid, for his care and trouble in doing the business required by this act, and the said commissioners shall transmit their accounts to the supervisors of the said county, at any of their stated meetings, of the number of days they have respectively spent in doing the business required by this act, and the supervisors shall raise the same with the county tax which shall be paid by the county treasurer to the commissioners and overseers upon a warrant from the supervisors as in other cases, except where the commissioners are paid by private persons as before directed.

Compensa-
tion of
commis-
sioners.

And be it further enacted by the authority aforesaid, That upon the order of any one justice of the peace, the surveyors or overseers of the several towns, shall, within eight days thereafter warn and set to work the respective inhabitants and persons liable to mend and repair the highways and roads, which by law they are obliged to repair, and if any of the surveyors or overseers shall neglect or refuse to warn and set to work the inhabitants as aforesaid, and see the said highways and roads amended and repaired such surveyor or overseer shall for every such neglect or refusal forfeit and pay the sum of forty shillings, to be adjudged by and recovered before any one justice of the peace of the said county where such neglect or refusal shall happen, which fines shall be applied towards repairing the said highways in such town wherein such fine shall arise.

Overseers
to warn
out inhab-
itants on
order of a
justice of
the peace.

And whereas doubts have arisen whether the fourth and fifth sections of the act entitled "An act to amend an act entitled "An act for the better laying out, regulating and keeping in repair all common and public highways and private roads in the counties of Ulster Orange Dutchess Washington and West Chester Albany and Montgomery, and to extend the same to the county of Suffolk" passed the 16th of March 1785 extends to any other than the county of Dutchess. Therefore

Be it enacted by the authority aforesaid, That the fourth and fifth sections of the said act shall be and the same are hereby extended

Section of
act extend-
ed and acts

done legalized.

to the counties of Ulster Orange Washington, Westchester, Albany, Montgomery and Columbia; and that the acts and proceedings heretofore had and done, by the respective commissioners of highways in pursuance of the said sections, in any of the counties aforesaid, shall be and they are hereby confirmed.

Act recited repealed as far as relates to Richmond county.

And be it further enacted by the authority aforesaid, That the act, entitled "An act to extend an act entitled "An act for the better laying out, regulating and keeping in repair all common and public highways and private roads in the counties of Ulster Orange Dutchess Washington West Chester, Albany and Montgomery, to the county of Richmond" passed the 21st of April 1785, shall be and is hereby repealed, so far as it relates to the said county of Richmond.

CHAP. 23.

AN ACT for the relief of Henry Haydock and others.

PASSED the 9th of March, 1790.

Henry Haydock and others.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the collector of the port of New York shall and may receive from Henry Haydock Matthew Cowper James Parsons, Stewart and Jones, William Blackhouse, Frederick Cockle and William Buckle the like duties upon the goods and merchandize by them respectively imported in the month of May or June in the year one thousand seven hundred and eighty seven by the ship Bristol, from Bristol in England, as would have been due and payable for the same, if the said ship Bristol had been wholly the property of citizens of this State, and no more; and that if the said several persons, or any of them, shall have paid more than what the said duties would have amounted to, if the said ship Bristol had been wholly the property of citizens of this State, then and in such case the collector of the port of New York, for the time being shall and may pay to the said several persons respectively, the amount of what they shall or may have so respectively overpaid out of any monies in his office.

John Murray and others.

And be it further enacted by the authority aforesaid, That one moiety of all such duties as since the passing the act entitled "An act supplementary to, and for the amendment of the act entitled "An act imposing duties on goods and merchandize imported into this State and to relieve persons who have been aggrieved thereby" have been paid, or secured to be paid in consequence of the fifteenth section of the same act by John Murray John Atkinson and William R. Thurston and Robert Lewis of the city of New York merchants on certain goods and merchandize which have been by them imported into this State, and which at the time of such importation were the joint property of the said John Murray and his copartner in Great Britain, John Atkinson and his copartner in Great Britain and William R. Thurston and his copartner, and Robert Lewis and his copartner are hereby remitted; and if any such duties have already been paid on any such goods and merchandize so imported as aforesaid, the said collector of the port of New York shall and may repay the amount of the same to the said John Murray, John Atkinson and William R. Thurston and Robert Lewis severally, out of any monies in his said office.

Provided that the said collector shall be satisfied that such persons to whom such moiety of such duties hereby directed to be remitted were respectively at the time of such importation citizens of this State or any other of the United States of America.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the auditor of this State to audit the account of Harmanus Terwilleger who was a serjeant in Colonel Frederick Fishers regiment of militia in the county of Montgomery and taken prisoner in arms on the 22d of May, 1780, and detained in captivity until the 29th of August 1781, and upon such account being so audited the treasurer of this State is hereby directed to issue a certificate for such sum of money as shall be found due thereon.

Harmanus
Terwilleger

And be it further enacted by the authority aforesaid, That the auditor and treasurer of this State shall examine and finally settle the accounts of Michael Conolly with this State for monies advanced to him as paymaster to the troops of this State in the service of the United States, and upon examination of such accounts admit such evidence or vouchers for the payment of such monies as to them may appear satisfactory and reasonable; and the said Michael Conolly shall pay into the treasury the ballance that shall be found due to this State in specie, within thirty days after the same shall be ascertained as aforesaid; any law to the contrary notwithstanding.

Michael
Conolly.

And whereas William McNeal and John McAuley by their petition represent that in the year 1779, they purchased the estate and possession of Malcolm Morrison late of Fredericksburgh in Dutchess county in consideration of which they gave a bond to the said Malcom Morrison conditioned for one thousand one hundred pounds *and whereas* the said Malcom Morrison soon after the said purchase joined the enemy, and was by law attainted and the whole of the estate of the said Malcolm Morrison on the 22d day of October 1779, vested in the people of this State, under which attainder the estate so purchased as before mentioned was sold by the commissioners for selling forfeited estates by which sale the said William McNeal and John McAuley are totally deprived of the estate so purchased, as also of any benefit from a considerable sum laid out in repairing the same; and are also liable to be prosecuted on the said bond either by the people of this State, or by some person or persons to whom the said Malcolm Morrison may have assigned the same: Therefore,

Be it enacted by the authority aforesaid That the said William McNeal and John McAuley their and each of their heirs executors and administrators, are and shall be fully released acquitted and discharged of and from the said bond, and of and from all actions suits and demands whatsoever for or by reason of the same, as fully as if the money due thereon had been paid into the treasury of this State before the first day of November last; any law to the contrary notwithstanding. And that the treasurer of this State shall not receive any payment on the said bond or indorse any certificate thereon in pursuance of the fourth section of an act entitled "An act relating to forfeited estates" passed the 21st day of March, 1788.

William
McNeal
and John
McAuley.

An be it further enacted by the authority aforesaid,* That the treasurer of this State for the time being, shall and may discontinue the suit by him commenced against Hendrick I. Wendell sheriff of the county of Albany pursuant to the thirty second section of the act entitled "An act to compel the payment of the arrears for taxes for enforcing the pay-

Hendrick
I. Wendell.

ment of fines and amerciaments, obliging sheriffs to give security for the due execution of their offices, and for other purposes" passed November 26th 1784, upon the said Hendrick I. Wendell's exhibiting and filing on oath such account and list as directed by the said act; and paying the amount thereof liquidated by the auditor of this State, together with the costs of such suit, to the treasurer, on or before the first day of June next.

And whereas by the forty second section of the act entitled "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned" passed the 12th May 1784, it is declared to be the duty of the commissioner and commissioners of forfeitures of each of the respective districts within this State, when they should have closed and completed the sale of any forfeited estates within his or their district, to certify and make known to the treasurer, that the sale of such estate as far as the same had come to their knowledge was closed and completed: *and whereas* in many instances the sale of such forfeited estates have not been intirely closed and completed by the commissioners aforesaid, by reason whereof the creditors and claimants against such estates are without remedy to recover their just debts and demands, agreeable to the tenor of the said law.

Commissioners of forfeitures to make return of unfinished sales.

Be it therefore enacted by the authority aforesaid, That the said commissioner and commissioners shall as soon as conveniently may be certify and make known to the treasurer agreeable to the direction of the act aforesaid the sales of such forfeited estates by him or them sold, altho' the same have not been intirely closed and completed; and the treasurer shall thereupon notify and require all persons releivable by the aforesaid act, to exhibit their claims or accounts, as by the said act is directed, and to proceed in granting certificates as by the same he is authorized to do.

Elizabeth Beekman and others.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the land office, to examine and determine upon the equitable clame of Elizabeth the wife of Theophilus Beekman, and of the heirs or devisees of Samuel Bayard and John Bayard deceased, or any of them, and of any person or persons claiming by from or under the said Elizabeth Samuel and John, or any of them, to one thousand eight hundred acres of land, mentioned and intended to have been granted in and by letters patent under the great seal of the late Colony of New York bearing date the eighth day of November 1775; and if the said commissioners shall find that the said land hath not being granted by the people of this State before the passing of this act, then they shall grant the same upon such terms as the said commissioners shall think equitable, to such person or persons and his her or their heirs, as shall appear to be entitled to the same, by virtue of the equitable claim aforesaid, any law to the contrary notwithstanding.

Garret S. Veeder.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer to pay to Garret S. Veeder the sum of three hundred and seventeen pounds one shilling, which together with the sum of one hundred and seven pounds, nineteen shillings, already paid to him by the said treasurer shall be in full satisfaction of the warranty from this State for certain lands conveyed to the said Garret S. Vedder in the year 1781, by John Lansing junior and Christopher Yates, commissioners appointed by the act entitled "An act to procure a sum in specie for the purpose of redeeming one sixth part of the bills emitted on the credit of this State pursuant to the act of Congress of the 18th of March 1780, for discharging the interest of such bills, and for

other purposes therein mentioned," passed the seventh day of October 1781; and that the said treasurer shall also pay to the said Garret S. Veeder the costs accrued on the part of the plaintiff in the suit brought in the supreme court of judicature of this State, for the recovery of the said lands.

And be it further enacted by the authority aforesaid That the treasurer of this State shall and may pay to Jacob Sammons, the sum of eighty two pounds two shillings and four pence, as a full compensation for thirty one acres of land, parcel of a lot purchased by the said Jacob Sammons of the commissioners for procuring a sum in specie, which thirty one acres have been claimed by the heirs of Peter Warren, and yielded to them in consequence of the opinion of the attorney general, that it would not be to the advantage of the people of this State to controvert the said claim. Jacob Sammons.

And be it further enacted by the authority aforesaid, That Elizabeth Fitzroy, or such person or persons as would have been the heirs of William Cosby, late of New Rochelle in this State deceased, if they had been citizens of this State, and her and their heirs, shall take have and hold all the real estate whereof the said William Cosby died seized, or entitled to in this State, in like manner as if she or they now and at the time of the decease of the said William Cosby were citizens of this State, any pretence or plea of alienism to the contrary notwithstanding: *Provided always, and be it further enacted by the authority aforesaid,* That the said Elizabeth Fitzroy and such heirs as aforesaid, shall and may sell and convey such real estate as aforesaid to any citizen or citizens of this State, within three years from the passing of this act. Elizabeth Fitzroy.

And whereas it appears to the legislature that John Alsop hath a demand against the forfeited estate of William Bayard, which could not be certified and paid within the time heretofore prescribed by law, by reason that the bond whereon the said demand arises had been transmitted to England for the purposes of recovery. Therefore

Be it further enacted by the authority aforesaid, That the said John Alsop may at any time within three months after the passing this act, exhibit any demands he may have against the estate forfeited to the people of this State by the attainder and conviction of William Bayard, and have the same determined, and if allowed receive a certificate therefore if sufficient monies there be in the treasury arising from the sale of the said estate, agreeable to the directions of an act entitled "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned" passed the 12th day of May 1784, any thing in any former law to the contrary notwithstanding. And the said act is hereby also extended to Adam Mott as to any demand he may have against the forfeited estate of Benjamin Lewis by reason of any monies paid by the said Adam Mott as surety for the said Benjamin Lewis to Thomas Lawrence and Nicholas Lamberton, and to William Craft as to any demand he may have against the forfeited estate of Jonathan Fowler by reason of any monies paid or to be paid by him as surety for the said Jonathan Fowler, notwithstanding such payments may have been made since the ninth day of July one thousand seven hundred and seventy six: *Provided* the said Adam Mott and William Craft shall present their said claims for liquidation, agreeable to the mode therein prescribed, within nine months after the passing of this act. John Alsop and others.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the auditor of this State to examine the accounts of John Visscher as captain of a company raised by order of the general committee of the county of Albany, in the year 1775, and the treasurer John Visscher.

of this State is hereby directed to pay such sums as shall appear to be justly due.

And whereas the persons lately charged with having purchased lands for the Indians without the authority or consent of the legislature, have surrendered their leases, and other evidences of such purchase to the people of this State. Therefore

Prosecu-
tions
against
intruders
on Indian
lands.

Be it further enacted by the authority aforesaid, That all prosecutions heretofore commenced against any person or persons, by virtue of the act entitled "An act to punish infractions of that article of the Constitution of this State prohibiting purchasers of lands from the Indians, without the authority and consent of the legislature and more effectually to provide against intrusions on the unappropriated lands of this State" passed the 18th of March 1788, shall be and the same are hereby discontinued; and that no prosecutions shall hereafter be commenced against any of the said persons, for any offences heretofore committed against the said act.

And whereas the provision heretofore made for the payment of debts due from persons convicted and attainted of adhering to the enemies of this State, hath been found inadequate in the case of debts due to aggregate corporations, or bodies politic. Therefore

Corpora-
tions hav-
ing claims
against
forfeited
estates.

Be it enacted by the authority aforesaid, That it shall and may be lawful to and for the chancellor or any one of the justices of the supreme court of this State, at any time within nine calendar months after the passing of this act, on the application of any body politic or corporate, within this State, or of their treasurer or clerk, to petition or otherwise to examine, and according to equity and good conscience to determine upon such evidence as shall appear adequate, any claim which such body politic or corporate may have against any estate forfeited as aforesaid, and to certify in writing the sum which shall appear to be equitably due to such body politic or corporate, to whom or to whose treasurer or clerk shall be delivered one copy of such certificate, and one other shall be transmitted to the treasurer of the State for the time being, who is hereby required to give to the said body politic or corporate, or to their treasurer or clerk, his certificate for the amount of the said claim in the manner directed by the act entitled "An act for the speedy sale of the confiscated and forfeited estates within this State and for other purposes therein mentioned," passed the 12th May 1784, although the estate against which the said claims are exhibited shall not have been closed, in the manner prescribed thereby.

Id.

And be it further enacted by the authority aforesaid, That the oath prescribed in the forty fifth section of the act aforesaid shall be taken by the clerk or treasurer of such corporation, before they shall be entitled to the benefit of this act.

And whereas certain lands in the county of Orange have been sold by the commissioners of forfeitures for the middle district as forfeited by the attainder and conviction of William Bayard for the sum of three thousand five hundred and fifty eight pounds eight shillings and two pence, part thereof in bills of the new emission and the residue in certificates. And whereas Henry Cuyler claims the said lands by virtue of a conveyance from the said William Bayard dated the nineteenth day of December in the year of our lord one thousand seven hundred and seventy eight which conveyance also includes one hundred and twenty six acres of land in the county of Orange supposed to have been forfeited by the attainder and conviction of the said William Bayard, and lately granted by the legislature to Andries Onderdonck his heirs and assigns, in trust to the uses mentioned in the last will and testament of

Johannis Mutts deceased and the said Henry Cuyler hath lately caused actions of ejectment to be brought against the purchasers of the said lands in order to recover the same by virtue of the said conveyance from the said William Bayard. And the late attorney general of this State hath reported to the legislature that the said conveyance appears from the proofs to have been executed at the time of the date thereof, bona fide, for a valuable consideration, and not with intent to prevent a forfeiture and that the consideration of the said conveyance is three thousand four hundred and ninety pounds, and that he has no expectation of any proofs against the said demand of the said Henry Cuyler. And whereas it appears from the representation of the purchasers of the said lands, that the present value thereof with their improvements thereon is no more than two thousand five hundred and eighty two pounds and five shillings, including the said land so granted to the said Andries Onderdonck which they value at three hundred and fifteen pounds, and that the improvements made on the residue of the said lands are equal in value to the said lands so granted to the said Andries Onderdonck. Therefore

Be it enacted by the authority aforesaid That it shall and may be lawful for the treasurer of this State and he is hereby required out of any monies in the treasury not otherwise appropriated, to pay unto the said Henry Cuyler the sum of two thousand two hundred and sixty seven pounds and five shillings, together with such costs of suit as shall be certified by the attorney general of this State for the time being, to be due to him in the said suits so brought for recovery of the said lands, upon his the said Henry Cuylers executing in due form of law a release and conveyance to the people of this State, of all his estate right title and interest of in and to the whole of the said lands within this State so conveyed to him by the said William Bayard, and delivering such conveyance duly executed and acknowledged, together with the said original conveyance from the said William Bayard, to the said treasurer, for the use of the people of this State. And in case the said Henry Cuyler shall not deliver such conveyances to the said treasurer, within one month after the passing this act then it shall and may be lawful to and for the said treasurer to pay the said sum of two thousand two hundred and sixty seven pounds and five shillings, to the respective persons now claiming the same lands under the said sales made by the commissioners of forfeitures as aforesaid in the following proportions that is to say to the person or persons entitled to that part thereof which was sold and conveyed to — Seely the sum of six hundred and twenty one pounds to the person or persons entitled to that part thereof which was sold and conveyed to William Boyd five hundred and sixty seven pounds; to the person or persons entitled to that part thereof which was sold and conveyed to John Sufferen three hundred and sixty four pounds and five shillings: to the person or persons entitled to that part thereof which was sold and conveyed to Walter Smith four hundred pounds and to the person or persons entitled to that part thereof which was sold and conveyed to Samuel Coe, three hundred and fifteen pounds, upon their respectively releasing and conveying in due form of law all their respective estates rights titles and interests in the said lands so respectively sold and conveyed as aforesaid, to the people of this State, and delivering such conveyances respectively duly executed and acknowledged together with the conveyance from the commissioners of forfeitures for the same lands respectively, to the said treasurer for the use of the people of this State.

Henry Cuyler; claims against lands forfeited by William Bayard in Orange county.

James
Smith.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the treasurer of this State and he is hereby directed to pay to James Smith the sum of one hundred and fifty pounds in certificates for the improvement of a farm he held under Daniel Claus, which said farm was sold by the commissioners of forfeitures for the western district, in consequence of the attainder of the said Daniel Claus.

Charles
Hurst.

And be it further enacted by the authority aforesaid, That the treasurer of this State be and he is hereby directed to deliver to Charles Hurst of the city of Philadelphia or his order the certificate or certificates paid by him into the treasury of this State, amounting to three hundred and fifty four pounds fourteen shillings and two pence, in part satisfaction of a bond given by the said Charles Hurst jointly with Timothy Hurst and William Brown John to George Folliot late of the city of New York one of the persons named in the bill of attainder.

Jacobus
Lefferts.

And be it further enacted by the authority aforesaid, That the treasurer of this State be and he hereby is directed to deliver to Jacobus Lefferts the certificate or certificates paid by him into the treasury of this State amounting to nine hundred and fifty nine pounds twelve shillings and nine pence in satisfaction of a debt supposed to be due to John Watts late of the city of New York esquire, and one of the persons named in the bill of attainder, but proved to be due to Samuel Holland esquire, and in case the said certificates which were paid as aforesaid into the treasury of this State, either by the above named Charles Hurst or Jacobus Lefferts do not remain in the treasury.

Id.

Be it further enacted by the authority aforesaid That the treasurer of this State be and he hereby is directed to deliver to the said Charles Hurst and the said Jacobus Lefferts respectively, certificates of a like amount and description with those paid by the said Charles Hurst and Jacobus Lefferts.

And whereas it has been represented to the legislature by John Foster an insolvent debtor that he was indebted to James Jauncey on bond before the late war which bond remains unpaid and the money due thereon by his attainder is become forfeited to the people of this State and that he the said John Foster is desirous of giving up all his estate for the benefit of his creditors therefore,

John
Foster

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer to become a petitioning creditor for the discharge of the said John Foster in behalf of the people of this State, for such sum of money as shall appear to him by the oath of the said John Foster or otherwise to be due on the said bond, to receive a dividend thereon and to do every other act which may be necessary for a petitioning creditor to do for the discharge of the said John Foster in pursuance of the act entitled "An act for giving relief in cases of insolvency" passed the 21st of March one thousand seven hundred and eighty eight.

And whereas it appears by the petition of Charles Moore and others inhabitants of the county of Albany on his behalf that in the night of the seventh day of July one thousand seven hundred and eighty seven his house was consumed by fire in which were destroyed two notes issued by Gerard Bancker Esquire, treasurer of this State, and made payable to the said Charles Moore therefore,

Charles
Moore.

Be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer to grant to the said Charles Moore, other certificates of the like amount, and of the same kind with those which were destroyed upon the said Charles Moore with two sufficient freeholders

as his sureties, having first sealed and delivered in the presence of three witnesses a joint and several bond to the said treasurer, in treble the amount of the said certificates with condition, that the said Charles Moore his heirs executors or administrators shall and will save harmless and keep indemnified the people of this State, from any costs charge claim payment or demand for or on account of the said certificates which are alledged to have been destroyed, and further that the said treasurer on issuing such certificates in pursuance of this act, shall before he delivers the said certificates to the said Charles Moore or to any person for his use, make such memorandum as he shall think proper on the margin remaining in the book from whence the certificates alledged to have been destroyed were indented and taken out; and also on the margin from whence the certificates to be issued in pursuance of this act shall be taken out, purporting that the last mentioned certificates are issued in lieu of those alledged to have been destroyed, and shall also indorse on the back of each certificate to be issued in pursuance of this act a memorandum that the same is or are issued in lieu of those alledged to have been destroyed specifying in such memorandum, the number and amount in value of the certificates alledged to have been lost.

And whereas Teunis Somerendyck executor of the last will and testament of Altie Covenhoven deceased William Cockburn and Peter Mesier did respectively represent by their petition to the legislature that they were prevented from exhibiting their claims against certain confiscated estates advertized by the treasurer of this State in pursuance of an act passed the 12th day of May 1784, entitled "An act for the speedy sale of confiscated and forfeited estates within this State, and for other purposes therein mentioned" and prayed relief. Therefore,

Be it further enacted by the authority aforesaid That the said Teunis Somerendyck, or the legal representative of the said Altie Covenhoven deceased, may at any time within three months after the passing of this act, exhibit any demand he or she may have against the state of William Bayard which has been forfeited to this State; and the said William Cockburn may also within the said three months exhibit his demands against the estates of Colonel Philip Skeene and John Weatherhead, and the said Peter Mesier may also within the said three months exhibit his demand against the estate of Beverley Robinson; and the same being respectively liquidated and certified in conformity to the before mentioned act passed the 12th of May 1784, it shall and may be lawful to and for the treasurer of this State to give certificates for the several amounts if sufficient monies there be in the treasury arising from the sale of the said estates respectively, to discharge the amounts that shall appear respectively due to the said claimants.

Teunis
Somerendyck and
others.

And whereas James Watson for himself and James Greenleaf, Anthony L. Bleecker, George Lewis and Robert Lewis, Joze Roiz Silva, John Pintard, Isaac Classon Richard Yates and James A. Stewart, and John Vanderbilt have represented to the legislature that after securing the duties to be paid on certain goods and merchandize by them imported into this State they did export the same goods and merchandize in pursuance of the act relative to imports passed the 18th November 1784 into other States within the United States, but by omitting to file at the custom house invoices of the goods and merchandize so exported the collector did not conceive himself authorised to pay them the drawback of the duties which otherwise they would have been entitled to by the said act. And John Lamb collector of the customs having certified that certificates in due form from the officers of the

customs in different States in the United States respecting the landing of the said goods and merchandize, entered in his office and exported to the ports of the other States for the purpose of obtaining the drawback have been produced to him, but that as the invoices had not been produced and attested to at his office previous to the shipment, as the late law of the legislature directs, he could not on account of this omission and want of formality allow the drawback on the said exported merchandize; and the legislature judging that the said James Watson for himself and James Greenleaf, Anthony L. Bleecker, George Lewis for himself and Robert Lewis, Joze Roiz Silva, John Pintard, Isaac Classon, Richard Yates, James A. Stewart and John Vanderbilt, are equitably entitled to receive a drawback of the duties of the merchandize by them respectively so exported, notwithstanding the omission of filing the invoices as aforesaid of their respective merchandize and want of formality. Therefore,

James
Watson
and others.

Be it enacted by the authority aforesaid That it shall and may be lawful for the said John Lamb collector of the customs to pay unto the said James Watson for himself and James Greenleaf, Anthony L. Bleecker, George Lewis for himself and Robert Lewis, Joze Roiz Silva, John Pintard, Isaac Classon, Richard Yates, James A. Stewart and John Vanderbilt, respectively, all such drawbacks of duties by them paid or secured to be paid, to which they would have been entitled on the said merchandize by them respectively exported, in case no omission had been by them respectively of filing the invoices of the said merchandize by them exported, or want of any formality in that respect.

Isaac Doty
and others.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the auditor of this State to examine the accounts of Isaac Doty as lieutenant, Daniel Park as serjeant and Elijah Dunham, Samuel Stewart and Nathaniel Fuller as privates, for services done in the year one thousand seven hundred and seventy nine, by order of Brigadier General Abraham Tenbroeck; and the treasurer of this State is hereby directed to pay in certificates such sums as shall appear to be justly due to them respectively.

Joseph
Erwing.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the treasurer of this State and he is hereby directed to pay to the legal representatives of the late Joseph Erwing deceased the sum of one hundred and twenty pounds for the improvements of a farm he held by lease under the late Sir William Johnson which said farm was sold by the commissioners of forfeitures for the western district and forfeited by the attainder of Sir John Johnson, in full compensation for any claims they the said representatives may have against this State, on account of such sales.

And whereas Peletiah Fitch Thomas and John Armstrong Alexander McNeis James Stewart David Henderson and Benjamin Cleavland in the year one thousand seven hundred and eighty one purchased certain lands in the county of Washington of the commissioners of forfeitures for the eastern district forfeited by William McAdam for which they paid the sum of two hundred and twenty eight pounds twelve shillings.

And whereas by the twenty fourth section of the act entitled "An act for directing the settlement of public accounts and for other purposes therein mentioned passed the 22d of March 1788 the sales made by the commissioners aforesaid was declared to be void.

And whereas it hath been represented to the legislature that the purchasers aforesaid have made considerable improvements on the said lands and that some parts thereof are mortgaged to the loan officers for the county of Washington therefore,

Be it further enacted by the authority aforesaid That it shall be lawful for the treasurer of this State to pay unto the loan officers for the county of Washington the sum of two hundred and twenty eight pounds twelve shillings in lieu of the certificates the purchasers are entitled to by law; and the said loan officers after having received the same, shall pay unto the said Pelatiah Fitch the sum of seventy four pounds fourteen shillings to the said Thomas and John Armstrong the sum of thirty five pounds four shillings to the said Alexander McNeis the sum of eight pounds; to the said James Stewart the sum of fifty two pounds sixteen shillings to the said David Henderson the sum of thirteen pounds sixteen shillings, and to the said Benjamin Cleavland the sum of forty four pounds, or such part of the aforesaid sums of money as shall be due to them respectively, after having deducted such sums which may be due to the said loan officers in consequence of the mortgages aforesaid.

Pelatiah
Fitch and
others.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the treasurer of this State to give a certificate to the treasurer of Suffolk county for a sum equal to the sum of six hundred and thirty nine pounds eight shillings and nine pence in Continental money of the date of the twenty eighth of September one thousand seven hundred and seventy nine the said treasurer of the State having at that time in pursuance of the act, entitled "An act for the payment of the several sums, and other purposes therein mentioned" passed the 4th of November 1778, received the said sum from the committee of Sea Brook in Connecticut and which arose from their sale of cattle and other effects, belonging to the inhabitants of Suffolk county and for which no claimants appeared, to be distributed by the supervisors of the said county to such of the inhabitants as they shall determine the same to belong for their cattle and other effects so sold, and not claimed as aforesaid.

Suffolk
county.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, for the commissioners of the land office, to enquire touching an agreement said to be made between Peter Ryckman and Seth Reed respecting the land stipulated to be granted to the said Peter Ryckman in the late treaty with the Cayuga Indians; and thereupon to grant the said land to the said Peter Ryckman solely, or part thereof to the said Peter Ryckman and part thereof to the said Seth Reed, in such proportions as the said commissioners shall deem just and equitable.

Peter
Ryckman
and Seth
Reed.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the auditor of this State to audit the account of the late Silas Buyer deceased, who was a soldier in Colonel Albert Pawlings regiment of levies, raised for the defence of the frontiers of Ulster and Orange counties, and taken prisoner in arms on the seventh of August one thousand seven hundred and eighty and detained until the twenty third of October one thousand seven hundred and eighty one and upon such account being so audited the treasurer of this State is hereby directed to issue a certificate for such sum of money as shall be found due thereon to the widow of the said Silas Buyer.

Silas Buyer.

CHAP. 24.

AN ACT for the better regulating and protecting the aqueducts in the city of Hudson.

Passed the 9th of March, 1790.

Preamble. WHEREAS the proprietors of the aqueducts in the city of Hudson, have by their petition represented their association for the purpose of supplying themselves and others with water and that they have conducted the same from a fountain at a considerable distance and at a very great expence the benefits whereof are likely to be lost for want of adequate provisions made by law for the regulating and managing said aqueducts and for obliging each proprietor thereof to bear and defray his proportionable part of the expences attending such aqueducts and in amending superintending and managing the same. Therefore

Regulation of aqueducts in Hudson.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That the mayor aldermen and commonalty of the city of Hudson for the time being in common council convened, shall and may (whenever applied thereunto for the purpose by the said proprietors of the said aqueducts or by a majority of them) have power to make ordain and declare all such bye laws ordinances constitutions rules and regulations relative to such aqueducts as the said common council may deem proper for the superintendence regulation and management of the same and for the extention alteration preservation and reparation thereof, or for the equal assessment and collection amongst the said proprietors of all costs and expences attending the same or of the sums of money which the said proprietors may from time to time hereafter vote agreeably to this act.

Meeting of proprietors for assessment of expences, etc.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the proprietors of the said aqueducts hereafter from time to time to convene at such time and place within the said city as the said mayor or recorder for the time being shall appoint, due notice of such time and place of meeting being first given by causing the same to be publicly advertised for the space of the three weeks successively in a public news paper to be printed in the said city or by putting up such public notice thereof in at least four of the most public parts of the said city; and at such meeting, the said proprietors may under the inspection of the said mayor or recorder by a majority of voices vote any sum or sums of money which they shall think fit to be assessed and levied on the said proprietors in proportion to their respective rights or shares, to defray the expences of the necessary alterations additions and reparations of such aqueducts or the fountains thereof, or for the compensations to the clerk and treasurer collector and inspectors hereafter mentioned and also by a majority of voices or votes to elect one discreet person for their clerk and treasurer one discreet person for their collector and two or more discreet persons for inspectors of said aqueducts.

Oaths of officers.

And be it further enacted by the authority aforesaid, That the said clerk and treasurer collector and inspectors when chosen in manner aforesaid shall respectively before they enter upon their respective offices take and subscribe before the said mayor or recorder who are hereby authorised to administer the same an oath well and faithfully to execute their respective trusts and offices according to the best of their skill and understanding; which said clerk and treasurer collector and

inspectors so elected and qualified, shall continue in their respective offices until others be duly chosen and qualified in their respective places.

And be it further enacted by the authority aforesaid, That the said inspectors so to be chosen and qualified as aforesaid, or a majority of them shall have power and are hereby authorised and directed from time to time to examine inspect superintend, manage and direct the said aqueducts, agreeably to such bye laws rules and ordinances as the said common council shall from time to time hereafter make and declare touching the same, or the management thereof; and shall also have power to prosecute in their own names for all trespasses to be done or committed by any person or persons upon or against the said aqueducts, and to recover the amount of all damages occasioned by such trespasses in any court having cognizance of the same, to the use of the said proprietors; and shall meet and duly assess upon the proprietors aforesaid all such sum or sums of money costs and expences so as aforesaid to be voted by the said proprietors; and shall further do and perform all such duties as shall or may be lawfully committed to them by any law rule or ordinance of the said common couacil.

Inspectors,
duties of.

And be it further enacted by the authority aforesaid That the said clerk and treasurer so to be chosen and qualified as aforesaid shall, as clerk of the said proprietors keep the minutes of all the votes resolutions and transactions of the said proprietors at their meeting so to be held as prescribed by this act, in a proper book by him to be kept for such purpose; and also that the said clerk and treasurer as treasurer of the proprietors aforesaid shall keep a book in which he shall fairly enter all receipts advances and expenditures of all sums of money by him received advanced or paid out and likewise do and perform all other duties lawfully committed to him by any law rule or ordinance to be made in pursuance of this act by the said common council.

Clerk and
treasurer.

And be it further enacted by the authority aforesaid That the collector so to be chosen and qualified as aforesaid for the said proprietors shall collect all such taxes and sums of money so as aforesaid to be voted by the said proprietors in pursuance of this act agreeably to such tax-list or assessment roll as shall be made out by the inspectors as aforesaid within three months after the same shall be delivered to him and shall pay the monies so by him collected into the hands of the said treasurer and in case the proprietors aforesaid, or any of them shall refuse or neglect paying his her or their proportion of such taxes within the time limited for such payment then it shall be lawful for such collector to levy the same by exposing and selling at public vendue after giving eight weeks previous public notice thereof the right or shares of such delinquent of in or to the said aqueducts, rendering the overplus monies, if any, after deducting the costs and charges of such sale to the owner or owners thereof.

Collector.

And to the end that the whole number of proprietors of the said aqueducts may always hereafter be known, and the number and proportion of their several rights or shares therein ascertainable with the greater ease and precision.

Be it enacted by the authority aforesaid That the said clerk and treasurer shall keep a proper book in which he shall duly enter the names of all the proprietors of the said aqueducts together with their several and respective rights or shares of in or to the same, according to such bye law or rule as the said common council shall or may hereafter prescribe and direct for such purpose; and shall also duly enter in the same book every transfer lease or assignment made or hereafter to be

Register of
proprietors

made of any right or share of in or to the same aqueducts according to such bye law or rule as the said common council shall or may hereafter prescribe and direct for such purpose; which entry so to be made by the said clerk shall be deemed evidence of such transfer lease or assignment; and no person shall be considered as a proprietor of the said aqueducts after the space of six months from the passing of this act, until the evidence of his right or share shall be so registered as aforesaid nor entitled to draw or use the waters from the said aqueducts by virtue of any title or claim not so registered as herein directed without permission in writing under the hands of the said inspectors or a majority of them, conformable to the rules or directions to be prescribed by the said common council.

Action of
meeting of
proprietors
to be blind-
ing on all.

And be it further enacted by the authority aforesaid That all lawful agreements votes and proceedings made had or done by the said proprietors and entered upon their records concerning the said aqueducts shall be considered valid and obligatory among themselves and binding upon all each and every of them; and that all monies heretofore voted and expended about the said aqueducts shall after being duly assessed by the inspectors to be chosen in pursuance of this act, be recoverable in the same manner as before in this act is provided.

Penalties
for offend-
ing against
regulations

And be it further enacted by the authority aforesaid That the said common council of the said city of Hudson as often as they shall make ordain and publish such laws rules ordinances and directions for the purposes aforesaid in regard to the said aqueducts, or for the regulation alteration extention reparation inspection and management thereof may make ordain limit and provide such and the like pains forfeitures fines and penalties, upon towards and against all and every person or persons, who shall offend against such laws, rules ordinances and directions, or any of them, as by the said common council shall be thought requisite, to make ordain limit and provide for the observation and preservation of the same laws rules ordinances and directions, to be prosecuted for by the said inspectors, and in their names, and recovered in any court of record having cognizance thereof, by action of debt or otherwise, to the use of the said proprietors, to be by them appropriated for the support and maintenance of the said aqueducts; *provided* no such pain, forfeiture fine or penalty, shall exceed the sum of five pounds.

And provided always that such bye laws, ordinances constitutions rules or directions be not contrary to or inconsistent with the constitution laws and statutes of this State or of the United States.

CHAP. 25.

AN ACT for securing and improving certain lands in the city of New York for public uses, and for other purposes therein mentioned.

PASSED the 16th of March, 1790.

Preamble.

WHEREAS Fort George, in the city of New York and the battery adjacent thereto are at present useless for the purpose of defence; Therefore,

Lands re-
sented set
apart for
public uses

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That all that part of Fort George in the city of New York and the lands adjoining thereunto, belonging to the people of this State beginning at

a stake standing on the easterly side of the Broadway continued at a place which is eighty six feet distant on a course south thirty seven degrees and forty five minutes east from the south-east corner of the dwelling house of Captain Archibald Kennedy, and running thence easterly to the north east corner of the old secretarys office on White hall street, thence southerly along the west side of Whitehall street to the ground of Captain Thomas Randall then westerly, along the north side of his ground, and along the rear of the lots which front on Pearl street, as far as they extend, then north fifty seven degrees and forty five minutes west, until a course north thirty two degrees and fifteen minutes east will strike the place of beginning, and then north thirty two degrees and fifteen minutes east, to the place of beginning, shall be and hereby are declared to be forever reserved for the purpose of erecting public buildings, and such works of defence as the legislature shall from time to time direct; and further that the same shall not at any time or times hereafter be sold or appropriated to or for any private use or purpose whatsoever.

And be it further enacted by the authority aforesaid, That all the lands ⁱⁿ belonging to the people of this State, within the bounds following, to wit, beginning at the north east corner of the old secretarys office, and running thence southerly along White hall street to the East river, at White Hall slip, then southerly westerly and northerly along the East river, the bay and Hudsons river, to the north side of the street which runs on the south side of Archibald Kennedy's house, continued to Hudsons river, thence along the same, to the south east corner of the said Kennedys house, thence south, thirty seven degrees and forty five minutes east eighty six feet, thence easterly to the place of beginning (excepting thereout that part reserved to the people of this State as described in the preceding section of this act) as well as all the lands within the bounds and limits aforesaid, which the said corporation of the city of New York claim title to, shall be and the same are hereby vested in the mayor aldermen and commonalty of the city of New York to remain for the purpose of erecting public buildings, and works of defence thereon; but without any power to dispose thereof for any other use or purpose whatsoever, and without any power of selling any part thereof.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the mayor aldermen and commonalty of the city of New York, to cause the said Fort George to be demolished, and the ground whereon the said fort stands to be leveled, and also to cause a bulk head to be erected from the end of the bulk head lately erected by them, continuing the same to the south west bastion of the battery aforesaid; and to sell and dispose of the buildings and materials of the said fort, and to apply the monies arising therefrom towards erecting the bulk head aforesaid.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Gerard Bancker, Richard Varick and John Watts, or the major part of them, to cause a proper house and other necessary buildings to be erected on some part of the lands in the first enacting clause in this act mentioned, for the use of the government of this State; and to be applied to the temporary use and accommodation of the president of the United States of America, during such time as the Congress of the United States shall hold their sessions in the city of New York; and the treasurer of this State is hereby authorized and required, to pay to the order of the said Gerard Bancker, Richard Varick and John Watts, or the major part of them, such sum as may be neces-

Fort
George to
be demol-
ished.

Appropriation for
buildings
for United
States gov-
ernment.

sary for the purposes aforesaid; not exceeding in the whole, the sum of eight thousand pounds, out of any monies in the treasury, not otherwise appropriated, to be by them applied to the purposes aforesaid. And it is hereby declared that the said sum eight thousand pounds, is the whole sum intended to be appropriated to the purposes aforesaid.

Road from
Kingston
to Peen
Pack.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the land office, to agree or contract with such person or persons as they shall judge proper, for exploring, laying out and opening a road, to begin on any part of the public road that leads from Kingston to Peen Pack, and to extend west ward so far and in such direction as the said commissioners shall judge most conducive to the interest of the State.

Id.; appro-
priation.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners from time to time, to draw from the treasury by warrant from his excellency the governor, for the purpose of defraying the expences of exploring, laying out and opening the said road, such sums of money as they shall judge necessary, not exceeding in the whole the sum of fifteen hundred pounds.

Road from
Otsego
lake to
Mohawk
river.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the commissioners of the land office, to agree or contract with such person or persons as they shall judge proper, for exploring laying out and opening a road from the south end of Lake Otsego to the Mohawk river, and in such direction as the said commissioners shall judge most conducive to the interest of this State; and that it shall and may be lawful for the said commissioners from time to time, to draw from the treasury by warrant from his excellency the governor, for the purpose aforesaid, such sums of money as they shall judge necessary, not exceeding in the whole the sum of four hundred pounds.

CHAP. 26.

AN ACT to incorporate the stockholders of the New York Manufacturing Society.

PASSED the 16th of March, 1790.

Preamble.

WHEREAS James Nicholson and others, associated as a company under the style of the New York Manufacturing Society, for the laudable purposes of establishing manufacturies, and furnishing employment for the honest industrious poor, by their petition presented to this legislature, have prayed to be incorporated, to enable them more extensively to carry into effect their patriotic intentions. Therefore,

New York
Manufacturing
Society incor-
porated.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all such persons, who now are and hereafter shall be stockholders of the said society, shall be and hereby are ordained, constituted and declared to be one body corporate and politic, in fact and in name, by the name of "The New York Manufacturing Society" and that by that name, they and their successors, for twenty five years hereafter, shall and may have succession; and shall be persons in law capable of suing and being sued, pleading and of being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors, may have a common seal, and may change and alter the same at their pleasure; and

also that they and their successors, by the name of the New York Manufacturing Society shall be in law capable of purchasing, holding and conveying, any estate real or personal, for the public use of the said corporation.

Provided, that the whole of the stock and real estate of the said corporation, shall never exceed sixty thousand pounds, current money of New York.

And be it further enacted by the authority aforesaid, That the stock, property, affairs and concerns of the said corporation, shall be managed and conducted by twelve directors, who shall be stockholders; and shall, together with a treasurer be annually chosen and elected, on the third Wednesday in March, in every year, at such time of the day, and at such place in the city of New York, as the directors for the time being, shall ten days at least prior to the day of election appoint, by notice thereof in two of the public newspapers of this State. That all elections for the treasurer and directors, shall be by ballot; and such person who shall at any election have the greatest number of votes given at such election, as treasurer, shall be the treasurer; and in like manner such twelve persons who shall have the greatest number of votes at such election, shall be the directors, and shall hold their offices for one year. That if any vacancies shall happen among the directors, by death, resignation or removal, such vacancies shall be filled for the remainder of the year in which they may happen, in the same manner as the annual elections are made, at such times and places, as the remainder of the directors for the time being, shall appoint. That the first directors shall be James Nicholson, James Renwick, Henry Tenbrook, William W. Gilbert, John Lawrence, John Murray junior, White Matlack, Jacob Hallet, William Maxwell, James Watson, Nicholas Cruger and Matthew Clarkson; and the first treasurer Alexander Robertson, who shall hold their offices until the third Wednesday in March next, and until others shall be chosen in their places.

Twelve directors to manage business of the corporation.

And be it further enacted by the authority aforesaid, That each share of the stock of the said corporation, shall be ten pounds current lawful money of this State; and that each stock-holder be entitled to a number of votes, proportioned to the number of shares which he or she shall have or hold in his or her name, according to the following ratio's, that is to say, every owner of one or more shares, to the number of four, shall have one vote; of five shares and less than ten, three votes; of ten shares, and less than twenty, five votes; of twenty shares eight votes; and one vote for every ten shares above twenty.

Amount of shares; votes.

And be it further enacted by the authority aforesaid, That the directors for the time being, shall regularly meet on the fourth Wednesday of March, June, September and December, in every year, and at such other times as they may judge expedient; and the said directors for the time being, or a major part of them, shall have the disposition of the funds of the said corporation; and shall annually on the third Wednesday in March, lay before the stockholders of the said corporation, a general statement of their accounts and proceedings; which same statement of accounts and proceedings, it shall be the duty of the directors to lodge with the treasurer, at least ten days previous to such annual meetings, for the inspection and examination of the stockholders. And the directors for the time being, or the major part of them, shall have power to make and prescribe such bye laws, rules and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of their secretary, clerks, agents and ser-

Meetings of directors; duties.

vants, employed therein; and touching all such matters as appertain to the said corporation; with power to appoint such and so many officers, clerks and servants, for carrying on the said business, and with such allowances and salaries, as shall to them seem meet.

Provided that such bye-laws, rules and regulations, be not repugnant to the constitutions and laws of the United States, or of this State.

Act de-
clared pub-
lic act.

And be it further enacted by the authority aforesaid, That this act be and is hereby declared to be a public act; and shall be construed benignly and favorably for every beneficial purpose herein intended.

Voting by
proxy.

And be it further enacted by the authority aforesaid, That the stockholders entitled to vote agreeable to this act, may give their respective votes, either by themselves, or their agents thereunto specially appointed.

State to
take one
hundred
shares.

And be it further enacted by the authority aforesaid, That the treasurer of this State be, and he is hereby authorised and required, in his own name to subscribe, and out of any unappropriated monies in the treasury, to pay for one hundred shares in the stock of the said corporation, and to hold and manage the same, for the use of the people of this State.

CHAP. 27.

AN ACT to prolong the terms of the courts of common pleas and general sessions of the peace in and for the county of Columbia, and for altering the terms of the courts of common pleas and general sessions of the peace in and for Queen's and Westchester counties.

PASSED the 22d of March, 1790.

Columbia
county.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the terms or sittings of the courts of common pleas and general sessions of the peace in and for the said county of Columbia, thereafter to be held in the said county, shall be held and continued from the times of their respective commencement by law, every day (except Sunday) until Thursday in the next ensuing week inclusive, unless the business of the said courts will sooner admit of an adjournment; any law to the contrary notwithstanding.

Queens
county.

And be it further enacted by the authority aforesaid, That the February term of the court of common pleas and general sessions of the peace in and for Queens county shall be and hereby is abolished. And that at the end of the term of the court of common pleas and general sessions of the peace to be held in and for Queens county on the second Monday in November in every year hereafter, or as soon as the due administration of justice will admit, in each November term, the said courts shall be adjourned to the first Monday in June then next.

West-
chester
county.

And be it further enacted by the authority aforesaid, That the September and January terms of the courts of common pleas and general sessions of the peace in and for the county of West Chester, shall be and hereby are abolished; and that in future the courts of common pleas and general sessions of the peace in and for the said county, shall be held on the fourth Mondays in May and October in every year; and shall be held alternately at the court house at the White-Plains and at the court house in Bedford; and may continue and be held until the several Saturdays next following inclusive, unless the business of the said courts will sooner admit of an adjournment.

CHAP. 28.

AN ACT to amend the act entitled "An act concerning slaves."

PASSED the 22d of March, 1790.

WHEREAS many inconveniences have arisen from the prohibiting the Preamble. exporting of slaves from this State. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Convicted slaves to be transported.
That where any slave shall hereafter be convicted of a crime under the degree of a capital offence, in the supreme court, or the court of oyer and terminer, and general gaol delivery, or a court of general sessions of the peace within this State, it shall and may be lawful to and for the master or mistress to cause such slave to be transported out of this State.

Provided always, that the court before which the conviction may take place, shall previously certify that the crime whereof such slave shall be convicted is of such a nature, that transportation would be a proper punishment.

Provided also, that this act shall not be construed to restrain any such court from inflicting such other punishment, on a slave so to be convicted, as from the nature of the offence, and the course of the law, they may judge proper.

And be it further enacted by the authority aforesaid, That whenever a master or mistress shall be disposed to manumit his or her slave, according to the direction of an act entitled "An act concerning slaves" passed the 22d day of February 1788, and the overseers of the poor of any city town or place where such master or mistress shall reside, or the major part of them, on application made by such master or mistress, shall refuse to give the certificate by that act prescribed, and the master or mistress shall conceive himself or herself aggrieved thereby, it shall and may be lawful for such master or mistress to appeal to the general sessions of the peace, for the county, who shall in such case examine the slave proposed to be manumitted; and if it shall appear to the court, that he or she is under fifty years of age, and of sufficient ability to provide for himself or herself, it shall be the duty of the court to give a certificate to that purpose, and such certificate shall be as effectual to all intents and purposes, as a certificate signed by the overseers of the poor, of the city, town or place, or the major part of them, and of two justices of the peace of the county where the owner may reside, would have been, according to the true intent and meaning of the said act.

Appeals from refusal of overseers of poor to grant certificate for manumission of slaves.

CHAP. 29.

AN ACT more effectually to protect certain tribes of Indians residing within this State from frauds.

PASSED the 22d of March, 1790.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Prosecutions against certain
That no person shall sue, prosecute or maintain an action arising on a

Indians prohibited. bond, bill, note, promise or other contract whatsoever. hereafter to be executed or made against any Indian residing on the lands reserved to the Oneida's, Onondaga's or Cayuga's; and every person who shall sue or prosecute any such Indian contrary to this act, shall be subject to pay treble costs to the party aggrieved: And this act is hereby declared to be a public act. *Provided* that this act shall not affect any contracts to be made before the first day of July next.

CHAP. 30.

AN ACT for the relief of Albert Stephens and Isaac Coe.

PASSED the 22d of March, 1790.

Preamble. WHEREAS part of the real estate late of John Turner lying in Orange county in the middle district, and forfeited to the people of this State, by the conviction of the said John Turner hath been sold and it appears that the same was mortgaged by Cornelius Paulding to John Leake of the city of New York for securing the payment of the sum of two hundred and fifty pounds who hath caused a suit to be brought against the purchaser of the said land.

And whereas by the twelfth section of the act entitled An act for the payment of the salaries of the officers of government and other contingent charges passed the twenty first day of April one thousand seven hundred and eighty seven it was enacted that it should and might be lawful for the treasurer of this State, and he was thereby required upon the said John Leake executing to the people of this State an assignment of the said bond and mortgage so executed by the said John Turner, out of any monies in the treasury not otherwise appropriated to pay to the said John Leake or to his attorney the said sum of two hundred and fifty pounds and the costs of the said suit to be taxed by one of the judges of the supreme court; and that no prosecution should thereafter be had on the said bond or mortgage.

And whereas the name of John Turner was inserted in the twelfth section of the said act as the mortgagor instead of the name of Cornelius Paulding by reason whereof the relief intended by the said section has not been effected and the said suit hath been prosecuted to judgment against the said Albert Stevens; therefore,

Appropriation for John Leake. *Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same* That it shall and may be lawful for the treasurer of this State and he is hereby required to pay unto the said John Leake the amount due on the said bond and mortgage after deducting the interest accruing during the late war, and since remitted by law, together with the costs on the judgment so obtained, upon his the said John Leake's assigning the said bond and mortgage to the people of this State; and in case the said John Leake shall refuse to accept the same then the said treasurer shall pay the said money to the attorney general of this State who shall cause a legal tender thereof to be made to the said John Leake in the name and on the behalf of the said Albert Stephens and cause a proper suit to be instituted and prosecuted at the expence of this State, and in the name of the people of this State or otherwise, for the redemption of the mortgaged premises; and that the attorney general be, and he is hereby farther authorised to make such composition with the said John Leake

as he shall deem proper; and that the treasurer shall thereupon pay to the said attorney general such further sum as he shall certify to be payable to the said John Leake upon such composition on his behalf, for a redemption of the said mortgage.

And be it further enacted by the authority aforesaid That the said twelfth section of the herein before recited act be and the same is hereby repealed. Part of act
recited
repealed.

And whereas by an act entitled "An act for the payment of the salaries of the several officers of government, and for other purposes therein mentioned passed the twenty seventh day of April one thousand seven hundred and eighty five relief was intended to be given to Isaac Coe, Garrett Ackerson and John De Ronde against a judgment entered against them at the suit of John Murray and Rosina his wife but by mistaking the title of the cause the intentions of the legislature were defeated and the said John Murray and Rosina his wife had the full effect of the judgment aforesaid against the said Isaac one of the defendants who ought to be compensated for the damages he thereby sustained. Therefore,

Be it enacted by the authority aforesaid That the treasurer be and he is hereby directed to pay out of the treasury of this State to the said Isaac Coe or his order the sum of sixty pounds in full satisfaction for the damages by him sustained in consequence of the judgment aforesaid. Isaac Coe.

CHAP. 31.

AN ACT to authorize the treasurer of this State to exchange the securities therein mentioned.

PASSED the 22d of March, 1790.

WHEREAS by virtue of an act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned the treasurer of this State hath received on loan in behalf of the people of this State certain public securities of the United States of America in the same act particularly described, and issued in lieu thereof other certificates subscribed by him. *And whereas* many of the citizens of this State who loaned the said securities are now desirous of having them returned. Therefore Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That the treasurer of this State shall be and he is hereby authorized and required to receive of any person or persons who shall bring the same to him for that purpose any certificate or certificates so given by him in virtue of the said act for principal or interest of any such security or securities of the United States so loaned and to give such person and persons the nominal amount thereof in the securities so received on loan as aforesaid and now in the treasury. Exchange
of United
States se-
curities.

Provided always that in all such exchanges the nominal sum due on the certificates to be given and received in exchange as aforesaid for principal, shall be equal, and the sums due for interest shall also be equal.

And be it further enacted by the authority aforesaid That when any certificate which has been given by the said treasurer for securities both of the United States and of this State received on loan by virtue of the Certificates
for securi-
ties of both
nation and
State.

said act shall be brought to him to be exchanged, he shall receive such certificate and give the person bringing the same securities of the United States for such part thereof as was given for such securities, and a new certificate for the residue thereof signed by himself as treasurer of this State.

Account to
be kept.

And be it further enacted by the authority aforesaid That the treasurer shall keep accounts of all certificates so to be received and given in exchange as aforesaid, and of all new certificates that shall be given by him by virtue of this act.

Exchange
of certifi-
cates after
April first.

And be it further enacted by the authority aforesaid, That if any of the securities of the United States so received on loan as aforesaid, shall remain in the treasury on the first day of August next, then it shall be lawful for the treasurer to exchange the same for any securities issued by the said treasurer for interest, or for certificates issued by the said treasurer for debts due from persons whose estates have been forfeited.

Part of act
recited
repealed.

And be it further enacted by the authority aforesaid That the fifteenth section of the act entitled "An act directing the settlement of public accounts, and for other purposes therein mentioned, shall be and hereby is repealed.

CHAP. 32.

AN ACT to amend an act respecting the South Beach in the county of Suffolk.

PASSED the 22d of March, 1790.

Preamble.

WHEREAS it has been represented to the legislature by Humphry Avery and others, proprietors of that part of the South Beach in Suffolk county lying between a place called and known by the name of Long Cove and a certain gut or inlet called and known by the name of Huntington West Gut that they are prevented from using or improving the said beach to any advantage by the act entitled "An act to restrain the feeding and burning the grass and cutting the timber on certain beaches and islands therein mentioned" passed the 24th day of April one thousand seven hundred and eighty four. Therefore,

Use of
certain
beaches
allowed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the proprietors of the said beach above described, to pasture and otherwise use and improve the same in such manner, and to such purposes, as they might have done, had the above mentioned act never been passed.

Provided always that nothing in this act contained shall be construed to prevent or defeat the operation of the above mentioned act, in any other part of the beaches or islands therein described.

CHAP. 33.

AN ACT to amend the several inspection laws therein mentioned.

PASSED the 29th of March, 1790.

Preamble.

WHEREAS it is represented to the legislature, that the act to regulate the repacking of beef and pork for exportation, passed the seventh day

of March one thousand seven hundred and eighty eight and the act to regulate the exportation of flax seed and lumber passed the first day of March one thousand seven hundred and eighty eight and the act to ascertain the quality of pot and pearl ashes passed the twenty third day of April one thousand seven hundred and eighty four may be so amended as to render the commodities in those several acts mentioned more valuable in foreign markets, Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same

Beef, how
barrels
branded.

That from and after the first day of October next the repackers of beef and pork shall examine sort and divide all beef to be by them repacked into barrels in the following manner, that is to say such beef as is large and fat without either hocks, shins or neck pieces shall be sorted by itself, and on one of the heads of all barrels containing beef of this quality shall be branded the words mess beef and such beef as in the first above recited act is denominated first quality shall be sorted by itself and on one of the heads of all barrels containing beef of that kind shall be branded the words prime beef and such beef as in the said act is denominated second quality shall be sorted by itself and on one of the heads of all barrels containing beef of this kind shall be branded the words cargo beef; *And further* that every barrel in which any kind of beef shall so be repacked as aforesaid shall contain two hundred pounds weight of such beef and shall be of such size and dimensions as to hold not less than thirty nor more than thirty one gallons, and the figures 200 shall be branded on one of the heads of every such barrel.

And be it further enacted by the authority aforesaid, That from and after the said first day of October next every barrel in which such pork shall be repacked, as by the aforesaid act is denominated first quality, shall not contain more than twenty four pounds of head, any thing in the said act to the contrary notwithstanding; and on one of the heads of every such barrel shall be branded the words prime pork and on one of the heads of every barrel in which such pork shall be repacked, as by the aforesaid act is denominated second quality, shall be branded the words cargo pork; and every barrel in which any kind of pork shall so be repacked shall contain two hundred pounds weight of such pork, and shall be of such size as to hold not less than twenty nine, nor more than thirty gallons, and the figures 200 shall be branded on one of the heads of every such barrel.

Pork, how
barrels
branded,

Provided always, that all beef and pork which shall be re-packed before the said first day of October next, may be exported in the same manner as if this act had never been passed.

And be it further enacted by the authority aforesaid, That every half barrel in which beef shall be repacked by virtue of this act, shall be of such size as to hold not less than fifteen and an half nor more than sixteen gallons, and shall contain one hundred pounds weight of beef; and every half barrel in which pork shall so be repacked shall be of such size as to hold not less than fifteen nor more than fifteen and an half gallons and shall contain one hundred pounds weight of pork; and if such pork be of the quality hereby denominated prime such half barrels shall contain not more than twelve pounds of head and on one of the heads of every such half barrel of beef or pork so to be repacked shall be branded the figures 100, and in other respects to be branded as on the full barrels.

Half barrels.

And be it further enacted by the authority aforesaid, That if any person within this State shall cure and put up any quantity of beef or pork, not less than fifty barrels within one year, and shall put up the

Packers of
over fifty
barrels.

same in barrels or half barrels containing the weight specified in this act, and shall produce a certificate from a magistrate of the place where such beef or pork was put up purporting that such person had cured and put up the number of barrels or half barrels aforesaid containing the weight aforesaid within the same year, together with an affidavit (to the same purport of the person who did cure and put up such beef and pork, it shall be lawful for such person to export such beef and pork without being further repacked upon branding his name at full length on one head of each barrel or half barrel;

Provided always that if such beef or pork be sold before exportation, the exporter thereof shall also brand his name at full length on the same head on which the name of the person who cured and put up the same was branded; any thing in this act or the above recited act to the contrary in any wise notwithstanding.

Beef, pork
and flour
packed
in other
States.

And be it further enacted by the authority aforesaid, That all beef pork and flour manufactured in any of the United States, other than this State, and repacked branded or inspected pursuant to the laws of the respective States from whence the same was imported into this State, such beef pork or flour may be reshipped as the beef pork or flour of the State where the same was manufactured, without being again repacked or inspected.

Inspectors
of lumber.

And be it further enacted by the authority aforesaid, That the person administering the government of this State for the time being, by and with the advise and consent of the council of appointment, shall appoint such number of inspectors of lumber for the city and county of New York, that the whole number of such inspectors shall not be less than four; and every such inspector shall be entitled to receive for inspecting all boards, plank and scantling by him so to be inspected, at and after the rate of two shillings for every thousand feet superficial measure, any thing in the act to regulate the exportation of flaxseed and lumber passed the first day of March 1788, to the contrary notwithstanding.

Branding
of lumber.

And be it further enacted by the authority aforesaid That all plank and boards which are less than six inches wide clear of sap, may be exported as sap plank and boards, being first inspected and marked with the letter S, the initials of the inspectors name and the number of feet on each plank and board.

Sizes of
shingles.

Provided such plank and boards are of the thickness of merchantable plank and boards; and that in addition to the sizes of shingles heretofore by law allowed to be exported, shingles of twenty two inches, and shingles of three feet in length, shall be included; and that the shingles of twenty two inches in length, shall be at least four inches wide exclusive of sap and of a proper thickness; and that the shingles of three feet in length shall be at least five and an half inches wide, exclusive of sap, straight and of a sufficient thickness.

Inspectors
not to deal
in lumber.

And be it further enacted by the authority aforesaid, That no inspector of lumber shall appoint any deputy, purchase any lumber except for his own use, nor sell any lumber whatsoever, on pain of forfeiting his office.

Size of
barrels of
pot and
pearl ash.

And be it further enacted by the authority aforesaid, That the inspectors by law appointed to ascertain the quality of pot or pearl-ash, shall not after the said first day of October next brand any cask containing pot or pearl-ash, unless the same be twenty nine inches in length, nineteen inches in diameter at each head, be trimmed with at least eighteen hoops, be made of white oak staves and heading, and be sound and tight; and that the tare of every such cask be at least fourteen per cent, on the gross weight of the cask and its contents.

And be it further enacted by the authority aforesaid, That after the first day of March next every manufacturer of pot or pearl-ash, shall provide a distinguishable brand, with the initial letter of his christian name, and his surname at full length on such brand, and shall therewith brand each and every cask containing pot or pearl-ash of his own manufacture, before the same be removed from the place where the same shall be so manufactured, under the penalty of five shillings for every cask so removed, and not branded as aforesaid.

Branding
of barrels
with name
of manu-
facturer.

CHAP. 34.

AN ACT giving further powers to the courts of general sessions of the peace.

PASSED the 29th of March, 1790.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for any court of general sessions of the peace, to take indictments of any treason, misprison of treason, murder or felony whatsoever, committed or done, or to be committed or done in the city or county, in and for which such court shall be held; but no such court shall proceed to determine any such indictment, of or for any treason, misprison of treason, murder or felony, which is by law punishable with death, for the first offence; but shall cause the indictments for the same, to be delivered to the next supreme court, or court of general gaol delivery, to be held in such city or county, there to be determined according to law.

Indict-
ments may
be found
in courts of
general
sessions
for higher
crimes.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any court of general sessions of the peace, to hear, determine and punish, according to law, all perjuries and false swearing, committed, or to be committed, in the city or county, in and for which such court of general sessions of the peace shall be held.

Perjury,
may hear
and deter-
mine.

CHAP. 35.

AN ACT to authorize the clerk of the senate to issue notices for the election of senators in the places of those whose seats are or may hereafter become vacant between the first day of March and the fifteenth day of April in every year.

PASSED the 29th of March, 1790.

Be it enacted by the people of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the clerk of the senate shall forthwith after the passing of this act, inclose and send in writing under his hand, to the several sheriffs of the different counties in the respective great districts of this State, a notification of the names of the senators for each respective district whose seats have become vacant since the first day of this instant March, and of the number of senators to be elected in such districts at the next ensuing election, to supply the places of such senators whose seats have

Vacancies
in senate,
notice of
election for

so become vacant. And it shall be the duty of the clerk of the senate for the time being in every year hereafter to send such notification as aforesaid, in case of the vacancy of a seat of a senator or senators between the first day of March and the fifteenth day of April.

CHAP. 36.

AN ACT for surveying and establishing certain lines and dividing certain lots in the Hardenbergh patent.

PASSED the 29th of March, 1790.

Preamble.

WHEREAS sundry proprietors in a tract of land commonly known by the name of the Hardenbergh patent, have by their petition set forth that in the year one thousand seven hundred and forty nine the greatest part of the said tract was surveyed by a certain Ebenezer Wooster at the request of the several proprietors who having completed the said survey, made a map of the same on which he made a division of the said survey. That in the same year one thousand seven hundred and forty nine the proprietors of the said tract released to each other bounding, the lots upon certain monuments made by the said Ebenezer Wooster, on the Delaware and Papakunk rivers on the westerly part of the said tract, to run with straight lines to certain monuments or stations on the easterly part of the said tract. That several of the said monuments are not now to be found. That the division lines between lots number one number two number three and number four and on the south bounds of lot number one have never been run, That several of the proprietors are now minors, and others not within this State; and praying that a law may be passed for surveying and running the said division lines and providing for the expence of the same. Therefore,

Commissioners
named to
run division
lines.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That Christopher Tappen and James Cockburne shall be and hereby are appointed commissioners for the purposes herein after mentioned and that the said commissioners shall make a survey of, and run the said division lines between lots number one number two number three and number four and the south bounds of lot number one in the said Hardenbergh patent; that so far as the said commissioners can collect satisfactory information of the monuments and stations erected by the said Ebenezer Wooster it shall be their duty to run the lines from the said monuments; but that in case they should be unable to get satisfactory information concerning the said monuments, they shall in that case run the travers made by the said Ebenezer Wooster from the two nearest monuments that can justly be ascertained on each side of the monument or monuments so lost; and in case the measure of the said commissioners should over run or fall short of the measure of the said Ebenezer Wooster, they shall then make a calculation of such overplus or deficiency, which they shall divide among the lots which shall be affected by the same, in proportion to the breadth of the said lots by the said Ebenezer Wooster's travers.

Survey,
how made.

And be it further enacted by the authority aforesaid, That the said commissioners shall forthwith proceed to make a survey of, and run the division lines above mentioned, erecting proper stone heaps at every two miles along the said division lines and marking the trees on the

same, which survey and division, shall be valid and the said lines established.

And be it further enacted by the authority aforesaid, That the said commissioners are hereby authorised to take the examination deposition or affidavit of any person who they may think can give satisfactory information concerning the said monuments; and likewise to swear their chairman and other persons employed upon the survey, and to defray the expence of the said survey. Affidavits to be taken

And be it further enacted by the authority aforesaid, That after the said survey shall be completed the said commissioners shall present their accounts of the whole expence of the said survey to one of the judges of the court of common pleas in and for the county of Ulster, who is hereby empowered to audit and pass the same, the said commissioners first giving six weeks notice of the time and place of auditing their said accounts, in one of the news papers printed in the city of New York; and after the said accounts shall be audited, the said commissioners shall apportion the whole expence of the said survey, among the different proprietors, in proportion to the distance of their respective rights, which they seperately, or as tenants in common, may hold along any of the lines so to be surveyed; and shall deliver an account of such proportion, to such of the said proprietors as may be found within this State; and if any of the said proprietors should be delinquent in paying their proportion, or cannot be found within this State, then the said commissioners shall publish the accounts of the proportion of such absentees, or persons so delinquent, in at least two of the newspapers, printed in the State of New York for at least three months; and if the said accounts shall not be paid within four weeks from the time of presenting the same, or within four months from the time of commencing of the said publication, then the said commissioners are hereby authorized to sell at public auction, such part of the land of the said person or persons so making default of payment and which was affected by the said lines as will be sufficient to discharge the same accounts, together with the charges incident to such sale; rendering the over plus, if any there be, to the person whose land shall be so sold, on demand. And the said commissioners are hereby authorised on the sale of such land, for the purposes aforesaid, to make and execute good and effectual conveyances in the law, for the same to the purchaser or purchasers thereof, which said conveyances shall be good and effectual to all intents and purposes, as if the same had been executed by the person or persons so making default; and the commissioners, surveyor and other persons employed in making the said survey, shall be allowed for their services after the rate allowed by an act, entitled An act for the partition of lands. Audit of expenses.

And be it further enacted by the authority aforesaid That when the said commissioners shall have completed the said survey, they shall make two maps of the said survey, and within six weeks after completing the same shall file one of the said maps in the office of the clerk of the county of Ulster and the other of the said maps in the office of the secretary of the State of New York either of which said maps shall be a record of the said survey and division and of the title of the proprietors of the said lots number one number two number three and number four. Maps to be filed; record of division.

Provided always, that nothing in this act contained shall be construed to give title to any person or persons, to any part of the said tract, who could not at the time of passing this act have legally claimed a proportion of the said lots seperately, or as tenants in common; or to defeat

any security upon the same by mortgage, judgment or otherwise; (except in case of default of paying their proportion of the expence as above mentioned).

And provided further that the said survey shall not be received as evidence, in any controversy between the boundaries of the said patent, and the patents adjoining thereto.

Commis-
sioners to
take oath.

And be it further enacted by the authority aforesaid That the said commissioners before they begin the said survey or division, shall take an oath before one of the judges of the court of common pleas of the county of Ulster, for the faithful performance thereof and of the several things required of them by this act according to the best of their skill and ability.

Bounds of
other lots
to be ascer-
tained.

And be it further enacted by the authority aforesaid That the said commissioners shall and they are hereby required to ascertain and fix the north bounds of the lot number seventeen to survey and divide lots number two, number seventeen, number twenty, and number thirty six according to a division thereof made by the said Ebenezer Wooster among the children of Lendert Lewis; and shall also divide lot number forty nine in the said division of said patent into eleven equal parts; and shall mark on a map thereof to be made for that purpose each of the said parts, with the names of the respective children of the said Lendert Lewis to whom the same originally belonged; and the expence attending the same shall be provided for in the same manner as is herein before mentioned; and maps of the said survey shall be filed in the like manner as is directed by the fifth section of this act.

CHAP. 37.

AN ACT for building a bridge across Haerlem river.

PASSED the 31st of March, 1790.

Preamble.

WHEREAS it appears to the legislature, that it would be of great public utility that a bridge should be built across Haerlem river. Therefore

Toll bridge
may be
erected
across Har-
lem river
by Lewis
Morris.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Lewis Morris his heirs or assigns be, and he and they are hereby empowered and authorized at his and their own expence, to build a bridge from Haerlem across Haerlem river to Morisania agreeable to the dimentions and directions following, that is to say, the said bridge shall not be less than thirty feet in width, and between the center arches thereof shall be an opening not less than twenty five feet, over which shall be a draw not less than twelve feet for the free passage of vessels with fixed standing masts. And that it shall and may be lawful for the said Lewis Morris his heirs or assigns for and during the term of sixty years, to ask demand and take for the use of the said bridge, a toll not exceeding the following rates viz. For every four wheel pleasure carriage & horses two shillings.

Rates of
toll.

Every two wheel pleasure carriage, or sleigh, & horses one shilling.
Every waggon and horses nine pence.
Every market sled and horses nine pence.
Every ox cart and oxen nine pence.
Every one horse cart and horse six pence.
Every man and horse six pence.

Every ox, cow or steer two pence.

Every sheep, hog or calf one penny.

Every single passenger three pence.

And be it further enacted by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever, to erect or cause to be erected any other bridge over or across the said Haerlem river to Morrisania or to keep any scow, flat or other vessel to ferry any person over or across the said Haerlem river from Morrisania to Haerlem, except for the private use of the inhabitants of the townships of Haerlem and Morrisania and if any such bridges shall be erected, or such scow flat or other vessel be used as aforesaid, except by the inhabitants of the said townships of Haerlem or Morrisania the owner of such bridge scow flat or other vessel, shall pay to the said Lewis Morris his heirs executors administrators or assigns, treble the toll herein before specified, to be recovered in any suit or action of debt before any justice or justices of the peace having cognizance of the same.

Other bridges and ferries prohibited.

And be it further enacted by the authority aforesaid, That the commissioners for laying out highways for the city and county of New York be and they are hereby authorized empowered and directed to lay out a convenient road from any part of the main road leading from the city of New York to Haerlem river, to the bridge by this act intended to be built.

Approach to bridge in New York county.

And be it further enacted by the authority aforesaid, That Doctor Joseph Brown, George Embree and John Bartow Junior or any two of them shall and they are hereby authorized empowered and directed at the expence of the said Lewis Morris his heirs or assigns to lay out a road to be four rods wide, from the bridge by this act intended to be built through the towns of Morrisania West Chester and East Chester until it strikes the main road going through the said town of East Chester, and each of them before he enters upon his said trust shall take and subscribe an oath in the following form viz "I do solemnly and sincerely promise and swear that I will in all things to the best of my knowledge and understanding well and faithfully execute the trust reposed in me by an act entitled "An act for building a bridge across Haerlem river" without favour or partiality."

Highway from bridge to East Chester.

And be it further enacted by the authority aforesaid, That where any roads in and by this act directed to be laid out, shall be laid out through inclosed or improved lands, the owner or owners shall be paid the value of the land so to be laid out into an highway or road, with such damages as he, she, or they may sustain by reason thereof in manner following, that is to say, the road or highway to be laid out in pursuance of this act in the county of New York shall be laid out regulated and kept in repair conformably to an act entitled "An act for the better regulating the public roads in the city and county of New York" passed the 21st day of March 1787." The value of the lands in the county of West Chester so to be laid out as aforesaid and the amount of the damages the owner or owners thereof may sustain by reason thereof shall be determined, set, and appraised by two justices of the peace, and by the oaths of twelve reputable freeholders not having an interest in the said land so to be laid out into an highway or road. And the said freeholders shall be summoned by the constable of the town in which such road or highway shall be laid as aforesaid, by virtue of a warrant to be issued by the said two justices of the peace for that purpose, the whole of the value of the said lands and damages together with the charges of the said justices and jury, and the summoning thereof and the whole proceedings thereon had, shall be paid by each town in which such road

Condemnation of lands for highway.

or highway shall be laid out respectively which road when so laid out shall be regulated and kept in repair in conformity to the act entitled "An act for the better laying out, regulating and keeping in repair all common and public highways and private roads in the counties of Ulster Orange, Dutchess, Washington, West Chester, Albany and Montgomery" passed the 4th day of May 1784."

Manner of
defraying
cost of
road.

And be it further enacted by the authority aforesaid, That the said commissioners from the county of West Chester, shall deliver a certificate of such sum so agreed upon, in writing subscribed with their names to the supervisor of such town; which supervisor shall lay the same before the supervisors of the county at their next annual meeting for raising the contingent charges of the said county, who shall, and they are hereby required to order the raising and collecting of that sum of and from the freeholders and inhabitants of such town, in the same manner and after the same rate, that the contingent charges of the said county are raised; which sum as soon as the collector shall have collected the same, such collector shall and he is hereby required to pay into the hands of the clerk of the town in which it was levied, to be paid to the order or orders of the said commissioners subscribed by them or a majority of them, being produced and delivered to him for that purpose.

Commis-
sioners'
fees to
be paid
by Lewis
Morris.

And be it further enacted by the authority aforesaid, That the commissioners, hereby appointed, shall be respectively paid by the said Lewis Morris or his assigns the sum of one dollar for each and every day they shall respectively be employed in the execution of the duties hereby enjoined on them.

CHAP. 38.

AN ACT for the further encouragement of literature.

PASSED the 31st of March, 1790.

Preamble. WHEREAS it is the duty of a free and enlightend people to patronize and promote science and literature as the surest basis of their liberty property and happiness. *And whereas* the regents of the university in their annual reports communicated at the last and present sessions have represented that Columbia college as well as the respective academies incorporated by the said regents in pursuance of the trust reposed in them by the legislature, require aid and encouragement to remove the impediments under which they labour, from a deficiency of their funds, notwithstanding the contributions of individuals. And it appearing to this legislature, that a portion of the public property will be wisely and usefully employed in enabling the said regents to remove those disadvantages, and to proceed with greater energy and success in accomplishing the important office assigned to them by law as the guardians of the education of the youth of this State. Therefore

Lands at
Lake
George
vested in
regents of
university
for educa-
tional pur-
poses; also
Governors'
island.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the said regents of the university and their successors, and they are hereby authorised and empowered to enter into and take seisin and possession of the lands and tenements hereafter described, being now vested in the people of this State (that is to say,) a certain tract of land in the county of Washington adjoining the south end of Lake George, beginning at the south

east corner of a tract of land heretofore granted to John Jones, and extending thence easterly along the said lake to the place where a small brook falls into the said lake on the east of the place where Fort George formerly stood; thence east forty chains, thence south one hundred and sixty chains, thence west until the place of beginning bears north forty degrees east, and thence to the place of beginning. And also a certain other tract of land in the county of Clinton called Ticonderoga bounded southerly by the waters issuing out of Lake George, easterly by the waters of Lake Champlain, and northerly and westerly by the adjoining patented lands and also a certain tract of land at Crown Point situate within the same county, bounded westerly northerly and easterly by the waters of Lake Champlain, and southerly by the adjoining patented lands. And also a certain island lying within the general bounds of the city and county of New York commonly called and known by the name of Governors island. And the same lands and tenements to lease grant and demise from time to time for one or more lives, or for years, and on such rents and considerations as they the said regents of the university or their successors shall judge most beneficial: So that no more than two dwelling houses shall at any time be erected on the said island. And to sue for, recover, have and receive the rents issues and profits thereof which are now in arrear, or shall become due hereafter; and from time to time to dispose of and apply the same for the better advancement of science and literature in the said college and the respective academies now incorporated or hereafter to be incorporated under their superintendence and authority within this State, and in such manner and proportion as they shall conceive will best answer the ends of their institution, and the true intent and meaning of this act. Reserving so much of the said rents issues and profits as shall be found necessary to defray the expence which shall be incurred by them in the execution of their trust. *Provided always* that if any part of the said lands shall hereafter become necessary for the public defence or other public uses all leases and grants with respect to such parts thereof shall cease and be suspended during the pleasure of the legislature, without any compensation to be made therefor, any thing herein contained to the contrary notwithstanding. *And provided also*, that the said regents of the university shall pay to Morgan Lewis Esquire the sum of two hundred pounds in full for all claims he may have on any part of the above described lands.

And whereas the state of literature requires, that in addition to the provision which may arise from the rents and profits of the lands vested in the regents of the university by this act, a sum of money should be applied by them without delay, for the encouragement and promotion of science in the said college and the academies already incorporated. Therefore

Be it further enacted by the authority aforesaid That it shall and may be lawful to and for the treasurer of this State, and he is hereby authorised and required, to advance and pay to the regents of the university out of any monies in the treasury unappropriated, the sum of one thousand pounds, on a warrant to be issued by the chancellor thereof to enable them more effectually to answer the purposes aforesaid.

Appropriation of
£1,000.

CHAP. 39.

AN ACT for raising two hundred pounds by assessment on Grey Court meadows in Orange county for more effectually draining the said meadows.

PASSED the 31st of March, 1790.

Preamble.

WHEREAS the creek commonly called Crommelines creek which runs through a certain tract of land in Orange county commonly called the Grey Court meadows, hath agreeably to the direction of an act entitled "An act to raise the sum of one hundred and fifty pounds on the lands therein mentioned for the use of clearing and opening the creek commonly called Crommeline's creek, and for other purposes therein mentioned" passed the 24th March 1772 being so far opened and cleared out as to make a large tract of bog meadow and swamps in some measure fit for tillage mowing and pasturage, and the proprietors of the said swamps and bog meadows, now conceive that they would be greatly benefited if the said creek was farther opened and cleared out, and they have by their petition presented to the legislature signified their desire to have a law passed for that purpose. Therefore

£200 levied on lands described for drainage purposes; commissioners.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same; That in order farther to open the outlet, and to clear and enlarge the said creek, the sum of two hundred pounds shall be paid by the proprietors of the said swamps and bog meadows in proportion to the number of acres they shall respectively own, as the same was settled by the inspectors mentioned in the said act when the said creek was first opened cleared out and enlarged; which sum shall be paid to Thomas Moffat Birdsey Youngs, Colvil Carpenter, John Jackson, Thaddeus Seely, Seth Marvin and Josiah Seely, commissioners to be by them laid out in paying all incidental charges for the purpose of farther opening the outlet, and clearing and enlarging the said creek, as they or the major part of them shall think proper.

When payment of sum levied to be made

And be it further enacted by the authority aforesaid, That each proprietor owning any of the swamps and bog meadows so charged as aforesaid, shall within one month after the said Birdsey Youngs Seth Marvin Josiah Seely, Thaddeus Seely, John Jackson Colvin Carpenter and Thomas Moffat, shall have laid out or expended the said sum of two hundred pounds or such part thereof as they or the major part of them shall judge proper to lay out or expend, for the purpose aforesaid, pay his her or their proportion of the said sum directed to be paid by virtue of this act, to the said commissioners; and in default of payment it shall be lawful for the said commissioners or the survivors or survivor of them, to recover the same by due course of law, with interest and costs of suit.

Annual tax for clearing ditch; meeting of proprietors

And be it further enacted by the authority aforesaid, That the proprietors of the said swamps and bog meadows, for cleaning and scouring the said creek shall for every acre as settled as aforesaid, pay such sum not exceeding three pence annually, as a majority of the proprietors at their annual meeting shall think proper to be raised for the purpose aforesaid to be paid to the treasurer to be chosen by a majority of the proprietors present at their annual meeting, to be held on the last Tuesday in March in every year; the first of which said annual meetings shall be at the house of Abijah Yelverton in Chester, and from thence may be

adjourned to any other house within the said Grey Court tract, by a majority of the proprietors present at any such annual meeting: At which annual meeting the said proprietors shall by a plurality of voices, choose two persons interested in the said swamps and bog meadows, who together with the clerk so to be chosen as aforesaid, or any two of them shall be inspectors to direct when and where the said money shall be laid out in scouring or cleaning the said creek annually; and shall also superintend the business without any reward for their service as inspectors. And in case any proprietor or proprietors tenant or tenants in possession of any part of the said swamps and bog meadows, shall neglect or refuse to pay the sum at which he she or they shall be so rated as aforesaid, the treasurer for the time being, shall sue for and recover the same before any of the justices of the peace of the said county, with interest and costs of suit; and a copy of the entry made in the minutes at the annual meeting together with the tax list signed by the said inspectors chosen as aforesaid, shall be conclusive evidence for recovering the same. And the said inspectors for the time being shall lay out the money so to be collected as aforesaid, or such part thereof, as they or the major part of them shall deem necessary in cleaning the said creek or enlarging the same. And on the last Tuesday in March in every year the said inspectors for the time being shall render an account unto the proprietors then met; and the monies, if any shall remain in the hands of the treasurer, together with all accounts papers and things respecting the said swamps and bog meadows, the treasurer shall then deliver to the treasurer who may by then chosen to succeed him.

Provided always, that where any person or persons shall hold any of the said swamps and bog meadows as a tenant or tenants under a rent, reserved to the proprietor thereof, that it shall and may be lawful for any such tenant or tenants to reserve and keep in his her or their hands the sum at which any such swamps or bog meadow is taxed as aforesaid, out of the rent reserved, unless by special contract the tenant or tenants have obliged themselves to pay the same over and above the rent reserved; but if any such tenant or tenants shall neglect or refuse to pay the sum at which any such swamp or bog meadow in his her or their tenure or occupation is or are charged, until he she or they shall be sued for the same, neither the interest or costs which he she or they shall be obliged to pay, shall be deducted out of the rents reserved as aforesaid.

Proviso as
to landlord
and tenant

And whereas there is one or more main ditch or ditches running through the said swamps and bog meadows and many line ditches between the lands of the different proprietors of the said swamps and bog meadows already made, and it will in all probability be necessary to have one or more main ditch or ditches and many more line ditches cut, in order to lead the water into the said main ditch or ditches or creek.

And whereas it is by experience known to be necessary that the said ditches should be sufficiently scoured at least once in three years.

Be it therefore further enacted by the authority aforesaid, That any proprietor who shall be desirous to have a line ditch or any other ditch made, shall call upon the said inspectors and clerk so to be chosen as aforesaid, or any two of them, who shall without fee or reward attend at some time to be agreed upon, and view the ground where-ever such main ditch, or line ditch is required to be made, and if the said inspectors and clerk or any two of them shall judge that it will be of advantage to any or either of the parties between whom such line ditch is required to be made, or main ditch cut, the said inspectors and clerk or

Line
ditches,
making
and ex-
pense of.

any two of them, shall in writing under their hands direct the width and depth that such ditch or ditches shall be made, and who shall pay the expence thereof; and cause it to be delivered to the clerk so to be chosen as aforesaid, who shall file the same, and the person or persons so applying for such ditch or ditches shall give at least one months notice to the person or persons owning the swamps or bog meadows adjoining, of the decision of the said inspectors and clerk or to the tenant in possession; and in case the owner or owners or tenant in possession of such swamps and bog meadow shall neglect or refuse to make one equal half part of such line ditch or ditches, or cut such main ditch, agreeable to the decision aforesaid, the person or persons so giving notice may proceed to dig such ditch or ditches, and may sue the other owner or owners, or tenants in possession or either of them, before any justice of the peace of the said county, and shall recover the same with interest and costs of suit. *Provided* that where a tenant shall do the labour or pay the money for making such ditch, he she or they may stop such expences, or the value of the labour out of such rent reserved, if any there be, in the same manner as is directed with regard to money to be paid annually upon the acre for the purpose of cleaning and scouring the said creek.

And whereas the said creek is frequently obstructed by eel wears, and for other purposes, to the great damage of many of the proprietors of the said swamps and bog meadows; for prevention whereof;

Obstructions in creek near Grey Court prohibited.

Be it further enacted by the authority aforesaid, That if any person or persons shall at any time after the passing of this act, make or cause to be made, any eel wear, or otherwise designedly obstruct the said creek any where within, or twenty chains below the said Grey Court tract, that such person or persons shall upon conviction thereof by one or more credible witness or witnesses before any justice of the peace in the county aforesaid, pay the sum of six pounds, the one half thereof to the use of the informer, and the other half to be paid to the treasurer so to be chosen as aforesaid, and to be applied toward scouring the said creek; which treasurer is hereby empowered to sue for and recover the same, in an action in his own name, and when recovered shall pay the one half thereof to the informer, and account to the proprietors of the said swamps and meadow for the other half, as treasurer as aforesaid; (and if any such obstruction shall be made by a slave or slaves, upon conviction as aforesaid, the master or mistress of any such slave shall be liable to pay the said sum of six pounds.

And whereas it may be necessary to alter some of the proportions of payment of the money so to be assessed as aforesaid, on account of a division heretofore or which shall hereafter be made of the lands that was charged as aforesaid, and it may be right and necessary to charge other lands with some part of the money to be paid by the said proprietors of the said swamps and bog meadows, in order to do justice to the owners thereof; therefore,

Controversies over proportions of expense to be paid by proprietors, how determined

Be it further enacted by the authority aforesaid, That if any of the proprietors of the said swamps and bog meadows shall think him her or themselves aggrieved by the proportions of the money to be charged on them or either of them, any such person or persons may apply to the inspectors so to be chosen as aforesaid, who shall nominate three reputable persons to enquire into the grievance, and to decide what proportion each proprietor shall pay of any such divided swamps and bog meadows, and to determine what proportion of the said sum any proprietor shall pay who is not charged by the inspectors appointed by the act aforesaid, which determination shall be entered by the said clerk, in the

book of accounts to be kept for that purpose; and the sum or proportion so determined, shall be the proportion at which such proprietor shall be charged in the payment of the money to be raised by virtue of this act, for the purpose of annually scouring the said creek.

And be it further enacted by the authority aforesaid, That the said commissioners may at their discretion lay out and expend the said sum of two hundred pounds, or such part thereof as they or the major part of them shall think proper, in the course of the ensuing season; and if they or the majority of them shall find it necessary to lay out and expend the remainder of the said sum of two hundred pounds (if any should remain) at any time thereafter, they or the major part of them shall at their discretion lay out and apply the same as the said commissioners or the major part of them may think proper in opening the said creek or otherwise, as shall appear to them most advantageous for the proprietors of the said swamp and bog meadow. And also that the said inspectors shall be at liberty to raise the said sum of three pence per acre or such part thereof annually, or delay the raising thereof, as a majority of the said proprietors at their annual meeting aforesaid shall think most proper. And the time for raising such sum per acre so to be raised annually, shall be computed from the first day of January in the year of our Lord one thousand seven hundred and ninety two.

Manner and time of expending moneys raised.

CHAP. 40.

AN ACT to repeal the first and second sections of an act entitled "An act for the relief of debtors with respect to the imprisonment of their persons," so far as the same retrospect to debts and contracts existing previous to the passing of the same.

PASSED the 31st of March, 1790.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the first and second sections of the act entitled "An act for the relief of debtors, with respect to the imprisonment of their persons," so far as the same sections relate and retrospect to debts and sums of money owing from any person or persons previous to the passing of the same act, shall be and hereby are repealed.

Part of act recited repealed.

And be it further enacted by the authority aforesaid, That it shall be lawful for any person or persons, to whom any debt or debts sum or sums of money designated in the said two sections, were due and owing previous to the passing of the said act, to sue and prosecute to execution, and to confine in goal, such person or persons respectively from whom such debt or debts, sum or sums of money were due and owing as aforesaid, in like manner and as by law they might have done, in case the said act had not passed.

Persons to whom moneys were owing previous to passage of act may issue body execution

Provided always that in all cases where any person or persons have been already discharged by virtue of the same act such person or persons respectively shall not be again imprisoned for the same debt or sum of money, notwithstanding the same may have been contracted, due or owing, previous to the passing of the said act.

Proviso where debtor previously arrested.

And be it further enacted by the authority aforesaid, That the judge, justice or magistrate, who shall issue execution for any debt or debts, or contracts made and entered into, previous to the passing of the said

Body execution, what to specify.

act, shall specify in the same that the cause of action did arise on or before the tenth day of June, one thousand seven hundred and eighty nine.

CHAP. 41.

AN ACT to enable Pieter Johan Van Berckel and the several persons therein named to purchase and hold real estate within this State.

PASSED the 2d of April, 1790.

Pieter
Johan Van
Berckel
may hold
real estate
in this
State.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the said Pieter Johan Van Berckel, to purchase lands, tenements and hereditaments within this State, and to have and to hold the same, to him, his heirs and assigns, to the use of him the said Pieter Johan Van Berckel, his heirs and assigns forever; as fully and to all intents and purposes, as any natural born citizen or citizens may, or can do, any law, usage or custom, to the contrary notwithstanding.

Antoine
Renè
Charles de
la Forest.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for Antoine Renè Charles dela Forest, to purchase lands, tenements and hereditaments within this State, and to have and to hold the same, to him, his heirs and assigns, to the use of him, the said Antoine Renè Charles de la Forest, his heirs and assigns forever; as fully and to all intents and purposes as any natural born citizen may or can do, any law usage or custom to the contrary notwithstanding.

John
Maunsell
and John
Foxcroft.

And be it further enacted by the authority aforesaid, That John Maunsell and John Foxcroft, be and they are respectively enabled to purchase lands, tenements and hereditaments, within this State, not exceeding in value four thousand pounds; and to hold the same to them respectively, their respective heirs and assigns forever; as fully, and to all intents and purposes, as any natural born citizen may or can do.

And whereas John C. Rothery an alien, hath some time since, purchased, a real estate lying in Queens county on Long Island, from James Hicks of the said county, and hath prayed that he may be authorized to convey the same in like manner, as if at the time of such purchase he had been a citizen of this State. Therefore,

John C.
Rothery,
deeds by,
legalized.

Be it further enacted by the authority aforesaid, That all deeds and conveyances, made or to be made by the said John C. Rothery, of such real estate so purchased from the said James Hicks, shall be as valid and effectual in the law, to vest such estate in the purchaser or purchasers thereof, as they would have been had the said John C. Rothery been a citizen of this State at the time such conveyance was so made to him as aforesaid.

CHAP. 42.

AN ACT for the payment of the salaries of the officers of government, and other contingent charges.

PASSED the 2d of April, 1790.

Annual
appropriation
bill.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of the State shall pay out of any unappropriated

money in the treasury the sums of money herein after directed, that is to say.

To his excellency the governor, for administering the government of Governor.
the State from the first day of July last to the first day of July next, at and after the rate of twelve hundred pounds.

To the person administering the government of the State for the time being to defray the incidental charges which may arise in and about administering the government, such sum or sums of money as he shall, from time to time by warrant under his hand and the privy seal of the State draw from the treasury for the purpose not exceeding in the whole the sum of one hundred and fifty pounds.

To Robert R. Livingston Esquire chancellor of the State for his Chancellor.
services in that station from the first day of July last to the first day of July next, at and after the rate of five hundred pounds.

To Richard Morris Esquire chief justice of the State for his services Chief Justice.
in that station from and to the respective times aforesaid at and after the rate of five hundred pounds.

To Robert Yates and John Sloss Hobart Esquires the other judges of Pulisne
the supreme court of the State for their services in that station from Justices.
and to the respective times aforesaid at and after the rate of five hundred pounds each.

To the members of the council of appointment at and after the rate Council of
of sixteen shillings per day for their attendance in council in the recess appointment.
of the legislature and for the time of their travelling from and to their respective places of abode according to such accounts as they shall severally produce certified by the clerk of the said council.

To each of the members of the senate and assembly for each and Senate and
every day they shall have attended in senate or assembly at the city of assembly.
Albany in the month of July last and also during the present meeting of the legislature at the city of New York and for each and every day they shall have been or may be travelling from and to their respective places of abode to the places of the said two several meetings of the legislature the sum of fourteen shillings for each day, such travelling charges to be computed at and after the rate of thirty miles per day agreeable to such accounts thereof as they shall respectively produce certified by the president of the senate or the speaker of the assembly as the case may be and the account of the president of the senate to be certified by the clerk of the senate, and the account of the speaker of the assembly to be certified by the clerk of the assembly.

To John McKesson and Abraham B. Bancker clerks of the senate and assembly each the sum of thirty shillings per day for their respective services during the sessions of this legislature and also the amount of such accounts for monies by them advanced respectively for the use of the senate or assembly as they shall respectively produce certified by the president of the senate or speaker of the assembly as the case may require.

To the serjeant at arms at and after the rate of ten shillings per day for such time as he has attended the legislature agreeable to such certificate thereof as he shall produce signed by the speaker of the assembly.

To the door keepers of the senate and assembly at and after the rate of sixteen shillings per day agreeable to such certificate thereof as they shall respectively produce certified by the president of the senate or speaker of the assembly as the case may require.

To the secretary of the State for attending the legislature for the pur- Secretary
pose of receiving the laws and attending the council of appointment of State.
from the first day of July last to the first day of July next at and after the rate of sixty pounds.

To the said secretary for his services in recording the laws for making copies thereof marginal notes for the press or making copies thereof by the direction of the governor or of the senate and assembly and for engrossing the minutes of the council of appointment from time to time at and after the rate of one shilling and six pence per sheet each sheet to consist of one hundred and twenty eight words. And for every commission of oyer and terminer and general goal delivery and general commission of the peace issued or to be issued between the first of July last and the first of July next twenty shillings, agreeable to such account thereof as he shall produce audited by the auditor of this State.

Governor's secretary. To the secretary to his excellency the governor at and after the rate of one hundred and twenty five pounds per annum.

State treasurer. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for Gerard Bancker treasurer of this State, to retain in his own hands the sum of five hundred pounds for his services as treasurer from the first day of July last to the first day of July next and the further sum of four hundred and forty one pounds eight shillings and four pence for the incidental charges of his said office.

And be it further enacted by the authority aforesaid, That the said treasurer shall pay to the following persons, the sums herein after mentioned, vizt.

Auditor. To the auditor of the State the sum of three hundred and fifty pounds for his services as auditor for one year ending the twenty third day of March instant.

Surveyor-general. To Simeon De Witt surveyor general of the State such sum as shall be certified by the auditor of the State to be due to him for his salary and the expences of his office to the first day of May next.

Adjutant-general. To Nicholas Fish adjutant general of the militia of the State the sum of three hundred and fifty pounds in full for his salary from the thirteenth day of April last to the thirteenth day of April next.

Commissary of stores. To Sebastian Beauman, commissary of military stores, at and after the rate of forty pounds for his salary from the first day of July last to the first day of July next.

Rent of executive mansion. To his excellency the governor the further sum of three hundred pounds in full for the rent of the house he now resides in, and also the amount of the taxes by him paid on the same from the first day of May last to the first day of May next.

Indian affairs. To the person administering the government for the time being the sum of six hundred and forty pounds in specie, to pay to the Oneida Onondaga and Cayuga Indians, being the amount of the annuities payable to them in pursuance of certain treaties heretofore concluded between them and the commissioners on behalf of this State.

Attorney-general. To Richard Varick for his services as attorney general of this State during the time he held that office the sum of two hundred pounds; and to Aaron Burr the present attorney general of this State for his salary in that office from the time of his acceptance thereof, to the first day of July next, at and after the rate of four hundred pounds per annum.

Vermont commissioners. To the commissioners appointed by laws of this State respecting the district or territory called Vermont, a sum not exceeding fifty pounds each, towards defraying the incidental charges of their commissions.

Delegates to Congress. To each of the delegates of this State to the late Congress at and after the rate of twenty four shillings per day for such time as they attended or were going to and returning from Congress to the respective places of their abode according to such accounts as they shall respectively produce audited by the auditor of this State.

To each member of the committee appointed at the last session of the legislature for canvassing and counting the ballots for members elected to serve in the house of representatives of the Congress of the United States, and also for canvassing and counting the ballots for governor lieutenant governor and senators of this State, for every day he attended on such service the same pay and also the same allowance for mileage as by this act is allowed to the members of the legislature.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the treasurer of this State to pay to Peter S. Dygert the sum of fifty three pounds four shillings for the damages and costs of a suit obtained against him as a commissioner of sequestration by Johannis Albrandt for the seizure and sale of two horses taken from the said Johannis by the said Peter as a commissioner aforesaid which said sum has been accounted for by the said Peter S. Dygert to the auditor of the State and also the further sum of twenty one pounds one shilling and three pence for the damages and costs in a suit obtained against the said Peter by Josiah Cribb for the seizure and sale of a cow and five hogs the property of the said Josiah Cribb, and delivered by the said Peter into the store of the issuing commissary at Fort Plain.

And be it further enacted by the authority aforesaid, That the treasurer shall out of any money in the treasury not otherwise appropriated pay to Henry Slason and Mary his wife the sum of ten pounds and to John Read and Sarah his wife the sum of ten pounds being the amount of the legacies respectively devised to the said Sarah and Mary by their father Joseph Osburn in and by his last will and testament and charged on his real estate which estate has been sold by the commissioners of forfeitures for the southern district of this State together with the interest due thereon to commence six months after the death of the widow of the testator, taking their discharges for the same.

To Samuel Loudon the sum of one hundred and fourteen pounds six shillings and eight pence in full for the ballance due to him as printer for this State.

To Francis Childs for his salary, as printer for the State, from the eleventh day of January last to the tenth day of January next inclusive, at and after the rate of one hundred pounds per annum in quarterly payments.

To Simeon DeWitt surveyor general such sum or sums as shall by the auditor of this State be certified to be due to him for services and disbursements in executing the late surveys of the lands to be granted to the army and the twenty townships ordered to be sold.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this State to pay to Benoni Bradner out of any monies in the treasury not heretofore appropriated the sum of four hundred pounds.

Whereas it is represented to the legislature that Lewis A. Scott as deputy secretary to his father John Morin Scott Esquire late secretary of this State was by agreement to receive the fees for commissions issued during the late war. Therefore.

Be it further enacted by the authority aforesaid, That there be paid to the said Lewis A. Scott the sum of three hundred pounds in full for the ballance for the commissions issued as aforesaid.

To James Fairlie Esquire clerk of the courts of oyer and terminer and general gaol delivery of this State for his services in that station from the eighteenth day of February 1789 to the first day of July of next at and after the rate of one hundred and fifty pounds per annum.

Marinus Willett.

To Marinus Willett late sheriff of the city and county of New York the sum of two hundred and eighty four pounds ten shilling and seven pence in full for his fees for poundage on the execution against Abraham Lott at the suit of the treasurer of this State.

Rent of secretary's house.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the auditor of this State to audit the account for the ground rents which became due during the late war to the rector and inhabitants of the city of New York in communion of the Protestant Episcopal Church in the State of New York for the house in which the Secretary of this State now resides and the treasurer is hereby directed to pay such ballance as may be certified to be due for the same.

CHAP. 43.

AN ACT for the relief of Joanna Hinchman and Joshua Purdy.

PASSED the 2d of April, 1790.

Preamble.

WHEREAS by the laws of the late Colony now State of New York, the inhabitants of the towns of Jamaica, Newtown, and Flushing in Queens county, were erected into a parish, and compelled to pay annually into the hands of their vestry-men and church-wardens, the sum of sixty pounds, to be by them paid to such minister of the gospel, as should by the consent of the then governor be inducted into the said parish. *And whereas* it is represented to the legislature by Joanna Hinchman, that her late husband Robert Hinchman, was some time previous to the late revolution, elected one of the church wardens of the said parish, that by order of the said vestry, and in trust for the inhabitants of the said parish, he put on loan the sum of one hundred pounds, of monies belonging to the said parish, at a time when it was doubtful what minister of the gospel was legally authorised to receive the same; that the said monies so by him loaned, was repaid to him in Continental bills of credit, in the year one thousand seven hundred and seventy six, which bills remained in his hands until the time of his death; and now remain in the hands of the said Joanna Hinchman; that in the year one thousand seven hundred and eighty, he was compelled by an order of the police established under the authority of the British government, to pay the whole of the said monies in specie, with the interest thereon, then amounting to one hundred and twenty pounds, to the Episcopal clergyman of the said parish, by which means the petitioners late husband and family had been greatly distressed. And it appearing reasonable to the legislature that the inhabitants of the said parish should reimburse to the legal representatives of the petitioners late husband the monies so by him paid. Therefore

Tax levy in part of Queens county to pay claim of Robert Hinchman, deceased.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the supervisors of the county of Queens, and they are hereby required, at their first meeting after the passing of this act, to cause to be raised, levied and collected of and from the freeholders and inhabitants of the towns of Jamaica, Newtown and Flushing, and to be paid to the treasurer of the said county the sum of one hundred and fifty pounds together with, and in the same manner, and in such relative proportion among the said towns, as the contingent charges of the said county are by law directed to be raised, levied and

collected. And the said county treasurer is hereby authorised and required to pay the said monies, or any part thereof, as soon as he shall receive the same, into the hands of the legal representatives of the said Robert Hinchman deceased.

And be it further enacted by the authority aforesaid, That the supervisors of the said county the assessors and collectors of the said towns of Jamaica Newtown and Flushing, and the treasurer of the said county, shall proceed in like manner respectively, perform the like duties, exercise the like powers, be entitled to the like compensation for their respective services, and be subject to the like penalties for neglect or refusal to perform the duties required of them by this act, as they respectively would be entitled to, and subject to, in and by an act entitled "An act for defraying the public and necessary charge in the respective counties of this State," passed the seventh of March, one thousand seven hundred and eighty eight.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the supervisors of the county of West Chester, at their next annual meeting, to examine the accounts of Joshua Purdy, relative to monies expended by him for the maintenance of the poor of the late parish of Rye; and on such examination if a ballance shall appear to be due to the said Joshua Purdy, that then the said supervisors shall cause to be levied and raised on the towns which constituted the late parish of Rye, the said sum so found to be due, in the same manner as the contingent charges of the county are usually raised; which money when so raised, shall be paid to the treasurer of the said county, to be by him paid to the said Joshua Purdy.

Manner of levying and collecting tax.

Tax levy on part of West-chester county to pay claim of Joshua Purdy.

CHAP. 44.

AN ACT to improve the navigation of Hudsons river.

PASSED the 2d of April, 1790.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the proprietors of the islands commonly called Mills's island, and the island called Papskni and the proprietors of the soil on the main land adjacent to the said islands respectively or any of them to obstruct the passage of the water passing between the said islands and the main land by placing causeways or other obstructions as to them shall seem proper or for any other person or persons by and with the consent of such owner or owners, to make such obstructions as aforesaid.

Provided always that such obstructions shall be erected at the expence of such owner or owners of the soil as shall agree thereto or at the expence of such person or persons as shall obtain liscence from such owner or owners for the purpose of erecting such obstructions and on such terms and conditions as the contracting parties may agree upon.

Obstructions permitted in Hudson river at Mills' Island and Papskni.

CHAP. 45.

AN ACT to encourage the destroying of wolves and panthers.

PASSED the 3d of April, 1790.

Bounty
established
for killing
wolves and
panthers.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That from and after the passing of this act every person who shall actually take and kill a wolf or wolves panther or panthers in any of the counties within this State except the counties of Clinton or Ontario shall have and receive the following rewards that is to say for every grown wolf or panther killed in the counties of Montgomery or Washington twenty shillings, and for every wolf or panther under the age of one year killed in the said counties of Montgomery or Washington ten shillings, and for every grown wolf or panther killed in any other county of this State, except the counties of Ontario or Clinton, the sum of three pounds, and for every wolf or panther under the age of one year, thirty shillings; the said rewards to be paid by the county treasurers respectively, as shall be directed by this act.

Heads to
be pro-
duced;
oath.

And be it further enacted by the authority aforesaid That before any person or persons shall be entitled to any of the rewards allowed by this act, he or they shall carry the head or heads of such wolf or wolves panther or panthers with the entire skin thereon to any justice of the peace or any supervisor dwelling in the county in which such wolf or wolves panther or panthers shall have been killed and taken, and the said justice or supervisor, shall be, and is hereby empowered directed and required to administer to every such person an oath in the words following vizt. "You do swear that the wolf or panther the head whereof you now produce to me was taken and killed within the county of " and after the taking of such oath the said justice or supervisor shall and is hereby empowered and required to give a certificate thereof, to such person or persons as have so sworn as aforesaid; and such justice or supervisor for administering such oath and giving a certificate thereof, shall receive no fee or reward; and the said justice or supervisor, in giving such certificate shall therein mention the name or names of such person or persons as have so sworn that he or they had actually taken and killed such wolf or wolves panther or panthers within the county where the same shall by the oath aforesaid appear to have been taken and killed, and to distinguish whether the same were full grown: And such justice or supervisor shall cut off and destroy the ears of every such wolf or panther for which such certificate shall be granted; and such certificate being produced to the supervisors of the said county, the said supervisors shall allow to such person as shall produce such certificate, all such sum or sums of money as shall appear to be allowed to him by this act; and the said reward shall be a county charge, and shall be assessed. raised and levied together with the other necessary and contingent charges of the county.

Bounties
to be paid
by county.

And be it further enacted by the authority aforesaid, That the supervisors of the respective counties in which any wolf or panther shall be killed, shall, and are hereby empowered required and directed to order the aforesaid sum or sums of money, by this act to become due, to be paid to the county treasurer; and the same county treasurer shall pay the same as shall be ordered by the said supervisors to such person or

persons his or their assigns as shall have taken and killed such wolf or wolves panther or panthers.

And be it further enacted by the authority aforesaid, That every free Indian free negro or mulatto or slave who shall have actually taken and killed any wolf or wolves panther or panthers within any of the counties of this State, except in the counties of Clinton and Ontario, and shall carry the head or heads thereof, with the entire skin thereon to any of the justices or supervisors of the county wherein such wolf or wolves panther or panthers shall be taken and killed, and bring evidence or give such reasons as shall be satisfactory to the said justice or supervisor that such wolf or wolves or panther or panthers was or were taken and killed within the said county where such justice or supervisor was appointed or chosen, then and in such case such justice or supervisor is hereby empowered required and directed, to give a certificate to the master or mistress of such slave, or to such free Indian, free negro or mulatto, in the same manner and form as is herein before directed to be given; and such master or mistress, or free Indian, free negro or mulatto shall be entitled to and receive the same reward or rewards, as by this act is given in such cases as aforesaid,

Wolves
and pan-
thers killed
by Indians
and slaves.

CHAP. 46.

AN ACT to allow the persons therein named to return to and remain within this State.

PASSED the 3d of April, 1790.

WHEREAS it has been represented to the legislature that James Jauncey, Abraham C. Cuyler, William Smith, William Axtell Thomas Jones Richard Floyd and Henry Lloyd the elder are desirous of having permission to return to this State. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the said James Jauncey Abraham C. Cuyler, William Smith, William Axtell Thomas Jones Richard Floyd and Henry Lloyd the elder severally be, and they hereby are permitted to return to and remain within this State unmolested, any law to the contrary notwithstanding.

Persons
named
allowed to
return to
this State.

CHAP. 47.

AN ACT for the inspection of sole leather in the city of Albany.

PASSED the 3d of April, 1790.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the mayor aldermen and commonalty of the city of Albany in common council convened, shall be and hereby are authorized and directed to appoint from time to time and as often as vacancies by death resignation of office or otherwise shall happen, one fit person to inspect and weigh all sole leather that shall be manufactured within the said city of Albany or imported or brought into the said city from any place whatsoever after the passing of this act, other than such as shall

Inspector
of sole
leather for
the city of
Albany.

have been inspected in the city of New York, which said inspector shall take and subscribe the following oath before the mayor or recorder of the city of Albany before he shall be deemed qualified for or proceed to the execution of the duties enjoined upon him by virtue of this act.

I do solemnly swear that I will well faithfully and impartially according to the best of my skill and understanding, execute do and perform the office and duty of an inspector and examiner of sole leather, and will not directly or indirectly by myself, or any person or persons under me or for my benefit or advantage, buy or sell any sole leather, during the time that I shall continue an inspector of the same, (except for the use of my own family) according to the true intent and meaning of an act entitled "An act for the inspection of sole leather in the city of Albany" so help me God.

Penalties. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act, no sole leather whatsoever, other than such as shall have been inspected in the city of New York as aforesaid, shall be sold disposed of or used for any purpose or purposes whatsoever within the said city of Albany, until the same shall be inspected sealed and weigh'd by the inspector to be for that purpose appointed by virtue of this act, under the penalty of forty shillings for every such offence, to be sued for and recovered by action of debt, with costs of suit, in a summary way by any person or persons who will sue and prosecute for the same, before the mayor recorder or any alderman of the city of Albany, to be levied by process to be directed to the sheriff or any one of the constables of the said city, commanding him or them or either of them, to levy the same by distress and sale of the offenders goods and chattles; one moiety whereof when so recovered, to be paid to the chamberlain of the city of Albany, to be applied at the discretion of the mayor aldermen and commonalty of the said city, to the use of the poor thereof; and the other moiety to the use of such person or persons who shall prosecute for the same.

Fees of Inspector. *And be it further enacted by the authority aforesaid,* That there shall be paid to the inspector for inspecting sealing and weighing of every side of sole leather, the sum of four pence; one half thereof to be paid by the seller and the other half by the purchaser.

Marking of leather; counterfeit marks. *And be it further enacted by the authority aforesaid,* That the inspector shall, and is hereby required to provide himself with proper seals for the purpose aforesaid, and to impress on every side of sole leather, which shall be deemed dry good and merchantable, his own name, and the word Albany at full length, and also the weight thereof: and if any person or persons shall presume to counterfeit such mark or marks to be made by such inspector, by making any impression or mark on any sole leather, he or they so offending shall forfeit and pay for every such offence the sum of ten pounds, to be sued for, recovered and applied in manner aforesaid.

Provided nevertheless, That all sole leather which upon inspection as aforesaid shall be found not to be dry good and merchantable, and which as such shall not be branded in manner herein before directed, may be used for any other purposes except except* being worked into shoes boots or buckets.

Leather marked "bad." *And provided further,* That all such sole leather which shall not on such inspection as aforesaid be deemed good and merchantable by the inspector, shall be by him marked with the word bad, and may then be used for any other purpose, except being worked into shoes boots or

* So in original.

buckets; and every such inspector is hereby required and directed to keep proper instruments for the purpose of marking such unmerchantable leather accordingly; and if any person or persons shall presume to work up into shoes boots or buckets any sole leather before the same shall be inspected as aforesaid, or any sole leather which shall be marked with the word bad as aforesaid, he or they so offending shall forfeit and pay for every such offence the sum of ten pounds, to be sued for recovered and applied, in the manner before directed.

CHAP. 48.

AN ACT for altering certain clauses in the charter of the corporation for the relief of the widows and children of clergymen of the Protestant Episcopal church in the United States of America.

PASSED the 5th of April, 1790.

WHEREAS it hath been represented to the legislature, by the corporation for the relief of the widows and children of clergymen of the Protestant Episcopal church in the United States of America, that the good and charitable purposes for which the said corporation was instituted, are in danger of being defeated by reason of the encrease of its members, and the largeness of the quorum, being a major part of the whole body, authorized to transact the business and affairs of the said corporation. Therefore Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for a majority of any twenty or more members of the said corporation, met at any annual or other meeting duly assembled, to propose any new bye-law or regulation, or the repeal, alteration or amendment of any bye-law or regulation now existing, for the better ordering the affairs of the said corporation, and to cause the same to be published in one or more of the public news papers in each of the States of New York, New Jersey and Pennsylvania, and if at the next meeting of the said corporation thereafter, to be held at any time not less than six months after such publication, thirty or more members shall be duly assembled, and three fifths of the members so assembled shall approve and ratify such proposed bye-law or regulation, or such proposed repeal, alteration or amendment of a former bye-law or regulation, the same shall be, and is hereby declared to be, as valid and effectual to all intents and purposes, for carrying on the charitable designs of the said corporation, as if the majority of all the members had been met; any thing in the said charter, to the contrary notwithstanding. Quorum for transaction of business.

And be it further enacted by the authority aforesaid, That the not meeting of a sufficient number of the said corporation heretofore at any of the stated days or times of meeting for that purpose directed by the said charter, shall not be, nor shall be considered, taken, held or adjudged to be, a forfeiture of the said charter, or a dissolution of the said corporation; nor shall the rights and powers of the said corporation be in any wise lessened or impeached thereby; but their said charter and every part thereof, not altered by this act, or an act of the legislature of this State, entitled "An act to amend the charter of the corporation for the Previous acts legalized.

relief of the widows and children of clergymen in the communion of the church of England in America," passed the 19th of February 1787." shall be good and available in all things in the law, according to the true intent and meaning thereof; and shall be construed reputed and adjudged in all cases most favourably on behalf, and for the best benefit and behoof of the said corporation and their successors, so as most effectually to answer the good purposes of their institution and incorporation.

CHAP. 49.

AN ACT to appoint trustees to take and hold certain lands therein mentioned, and for other purposes.

PASSED the 5th of April, 1790.

Preamble. WHEREAS in that part of the town of Rensselaerwyck in the county of Albany herein after described, a considerable number of houses are already erected, and occupied by merchants mechanics and others to the advancement of commerce and manufactures in this State; and in order to enable them to regulate their internal police, and to secure the benefits of certain commonable lands lying within the same, have prayed that they might be enabled to appoint trustees. Therefore

Lansingburgh, trustees of village of. *Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That John Van Rensselaer Christopher Tillman, Elijah Janes Aaron Ward, Stephen Goreham, Ezra Hickock and Levinus Lansing shall be and they are hereby declared to be, the first trustees for the freeholders and inhabitants of that part of the town of Rensselaerwyck, commonly called Lansingburgh, and shall continue to be trustees until the third Tuesday in May next, and that it shall and may be lawful to and for the said freeholders and inhabitants, qualified by law to vote at town meetings, to assemble on the third Tuesday of May next, and annually on the third Tuesday of May in every year thereafter, at such place and at such time of the day, as the trustees for the time being, or the major part of them, shall by public advertizement appoint, and under the direction of the said trustees, or such of them as shall be present, who are hereby made inspectors of such election, then and there by a majority of voices, to elect seven discreet inhabitants, being freeholders, to be trustees as aforesaid, who shall continue in office until the third Tuesday in the month of May in the next ensuing year

Duty as to common lands. *And be it further enacted by the authority aforesaid,* That the said trustees hereby appointed, and their successors, are hereby enabled to take a grant or grants feoffment or feoffments of any lands lying and being in Lansingburgh aforesaid, and to hold the same to them and their successors forever, in trust to and for the common use and benefit of the freeholders and inhabitants aforesaid.

By-laws to be adopted by freeholders. *And be it further enacted by the authority aforesaid,* That the said freeholders and inhabitants, at their annual meetings to be held as aforesaid, and at such other times in the year as the said trustees or a majority of them may think necessary and advertize for the purpose, shall be and they are hereby authorized and empowered from time to time, to make, ordain, constitute and establish, such prudential rules, orders and regulations, as a majority of such freeholders and inhabitants so assembled and having a right to vote, shall judge necessary and

convenient for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and respecting the cutting of wood on the same; and also to ordain and establish such prudential rules and orders, relative to the cleansing and keeping in order and repair the common streets and highways in Lansingburgh aforesaid, and removing nuisances therefrom—and also to make and ordain rules and regulations proper to compel the house keepers in Lansingburgh aforesaid, to furnish themselves with a sufficient number of proper fire buckets, and with necessary tools and implements for extinguishing of fires, and to impose such penalties on the offenders against such rules orders and regulations, or any or either of them, as the majority of such freeholders and inhabitants so assembled, shall from time to time deem proper, not exceeding forty shillings for any one offence, to be recovered by the said trustees for the time being in their own names with costs of suit, for the use of the said freeholders and inhabitants, by action of debt, before any justice of the peace residing in the said county of Albany.

And be it further enacted by the authority aforesaid, That the said trustees hereby appointed, and their successors, shall and may from time to time, constitute and appoint, one fit person to be a common clerk for the said freeholders and inhabitants, whose duty it shall be, to record all rules orders and regulations, made by the said freeholders and inhabitants at their meetings as aforesaid, in a proper book to be by him provided for such purpose, and also to do and perform all such matters and things as the said trustees or a majority of them shall lawfully from time to time, by writing under their hands appoint and direct.

Common clerk.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the said trustees or the major part of them, and they are hereby required with all convenient speed, to elect nominate and appoint a sufficient number of men, willing to accept, not exceeding fifteen in number, out of the inhabitants residing in Lansingburgh aforesaid, to have the care, management, working and use of the fire engine or engines belonging to the said freeholders and inhabitants, and also the other tools and instruments for extinguishing fires; and the said trustees or the major part of them, are hereby authorized and empowered to remove or displace all or any of the firemen so as aforesaid to be elected nominated and appointed, when and as often as they shall think fit, and others in their stead to elect nominate and appoint; and also to make establish and ordain such rules orders and regulations, for the government conduct duty and behaviour of such fire men as to them shall appear necessary and proper.

Firemen to be appointed.

And be it further enacted by the authority aforesaid, That such persons as shall be elected and appointed firemen, and each and every of them during the time such person or persons shall remain firemen, and no longer, shall and hereby are declared to be, freed and exempted from serving in the office of constable and overseer of the highways and of and from serving as jurors, and of and from serving in the militia, except in cases of invasion or other imminent danger.

Exemptions of firemen.

And whereas it hath been represented to the legislature, that the seventh section of the act entitled "An act for erecting a town by the name of Middletown, and to alter the bounds of the town of Rochester and Woodstock in the county of Ulster, and for erecting a town by the name of Easton, and to alter the bounds of the towns of Schenectady and Balls-Town, in the county of Albany, and for other purposes therein mentioned" is by experience found to be injurious to the interest of the township of Schenectady. Therefore

Destruction of timber on common lands of Schenectady.

Be it further enacted by the authority aforesaid, That every person who shall at any time hereafter, cut or otherwise destroy or carry away from and out of the common lands of the town of Schenectady any hickory, oak, maple, beach or ash trees growing thereon, of a less size than six inches diameter at the stump, shall forfeit and pay the sum of five shillings for every such offence; and that every person who shall at any time hereafter in any of the said common lands cut down any tree with intent to make staves thereof, or shall cut down any tree, and shall not carry away every part of such tree fit for fuel, excepting all kinds of pine trees and such as may be applied to building and fencing and opening of roads, every person so offending, shall for every such offence forfeit and pay the sum of twenty shillings: And that the said seventh section of the aforesaid recited act is hereby repealed.

CHAP. 50.

AN ACT to enable the mayor aldermen and commonalty of the city of New York to raise a sum of money by a tax for the purposes therein mentioned.

PASSED the 5th of April, 1790.

Preamble.

WHEREAS the mayor aldermen and commonalty of the city of New York by their petition to the legislature have represented that by the law lately passed directing a house to be built on the land in the city of New York whereon Fort George stood and vesting the residue of the lands adjoining thereto in the said corporation for public uses, it is become their duty to cause the stone and earth to be removed at an early day so as to accomodate that ground for the building the said house; and that in order to do this and effectually to secure the residue of the land aforesaid (which is much exposed to the ice and sea) it will be necessary that a strong bulk head or continuation of piers be immediately built from the flat rock to the south point of the battery; and that the execution of this useful and very necessary business will put them to a great expence; and that the sum of eleven thousand pounds for raising which a law was lately passed will not after the payment of the fees of collection, and allowance for insolvencies, be by any means sufficient to defray the expences thereby intended; and therefore prayed the legislature to authorise the raising by tax in the city and county of New York the further sum of five thousand pounds for the purposes aforesaid, and for the other contingent expences in the said city. Therefore,

Tax levy in New York city for purposes specified.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the mayor recorder and aldermen of the city of New York, as soon as conveniently may be after the passing of this act, to order a sum not exceeding five thousand pounds to be raised by a tax on the estates real and personal of the freeholders and inhabitants within the city and county of New York to be applied to the purposes aforesaid; which said sum shall be rated and assessed according to the estate of each respective person so to be taxed, and be collected in one payment, and paid to the treasurer or chamberlain of the said city, at such time as the said mayor recorder and aldermen or the major part of them shall direct and appoint; any thing in the second

section of the statute entitled An act for the more effectual collection of taxes in the city and county of New York to the contrary notwithstanding.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the collectors in the out ward of the said city to retain in their own hands the sum of eight pence in the pound, and the collectors in the other several wards the sum of six pence in the pound, and no more, for their trouble in collecting and paying the monies by this act directed to be raised, to the treasurer or chamberlain of the said city; and that it shall and may be lawful for the treasurer or chamberlain to retain the sum of two pence in the pound, and no more, for his trouble in receiving and paying out the said monies. Fees of collection.

CHAP. 51.

AN ACT to explain and amend the law concerning the proving of wills respecting real estates.

PASSED the 5th of April, 1790.

WHEREAS doubts have arisen whether any will or codicil when one or more of the witnesses to the same are either dead or do not reside within this State can be proved and recorded according to the act entitled "An act for the relief of creditors, against heirs devisees executors and administrators, and for proving wills respecting real estates;" therefore, Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when any witness or witnesses to any last will and testament, or codicil, shall be examined in any court according to the said act, and it shall appear to the same court that the other witness or witnesses are either dead, or do not reside within this State, then and in every such case, the same court shall and may receive and take in open court, such proofs of the hand writing of the testator, or of the witness or witnesses so dead, or absent, or of such other circumstances as would be proper to prove the same will or codicil upon a trial at law; and shall cause all such examinations and proofs to be reduced to writing; and if it shall thereupon appear to the same court, that such last will and testament or codicil was duly executed, according to law, and that the testator was at the time of executing the same of full age, and of sound mind and memory, and not under any restraint, then the same court shall order and direct the clerk of the same court to record the same last will and testament or codicil, together with the proof so taken, according to the directions of the said act. And when any last will and testament or codicil shall be brought before the supreme court, or any court of common pleas to be proved, and it shall appear to the same court that all the witnesses to the same last will and testament or codicil are either dead, or reside out of the United States of America, then and in every such case, the said court shall and may receive and take in open court, such proof of the hand writing of the testator, or of either or all of the witnesses to the same last will and testament, or codicil, or of such other circumstances as would be proper to prove the same last will and testament or codicil, upon a trial at law; and shall cause all such examinations and proofs to be reduced to writing, and to be recorded as aforesaid; and such record shall and may be given and received in evidence upon any trial or con- Proof of wills where witnesses are dead or absent.

troversy concerning the same last will and testament, or codicil, and shall be of the same force and effect, as if taken in open court upon such trial.

Provided it shall appear that the lands in question have been uninterruptedly held under the said will for the space of thirty years. And the same last will and testament or codicil shall be deposited and remain with the clerk of the same court, for the benefit of the parties interested therein; and he shall upon request make and deliver a true copy thereof, to any person requiring the same.

Provided always, that if it shall appear upon such examination, that any lands claimed under the said will have been held under the same for thirty years previous thereto, such will shall also be recorded in like manner as is provided in and by the said act, and such record shall be evidence in all cases respecting such lands.

Act extended to codicils.

And be it further enacted by the authority aforesaid, That the said act shall extend as well to any codicil, as to any last will and testament, respecting any real estate.

Part of clause rectified repealed.

And be it further enacted by the authority aforesaid, That so much of the fifteenth clause of the said act, as allows the judge of the court of probates three per cent on all monies brought into court, shall be, and the same is hereby repealed.

CHAP. 52.

AN ACT for the relief of Udny Hay and others.

PASSED the 6th of April, 1790.

Appropriation to Udny Hay.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Gerard Bancker treasurer of this State be and he hereby is directed and required to pay out of the treasury of this State to Udny Hay late State agent or his order the sum of three hundred pounds six shillings and six pence half penny, the amount of a judgment obtained by Jellis Fonda of Caughnewaga in the county of Montgomery, against the said Udny Hay, upon a promise made by him on the part of this State, to pay to the said Jellis Fonda the amount of sundries by him supplied to the United States, and that the said treasurer charge the same to the said United States.

And whereas the said Udny Hay pursuant to concurrent resolutions of both houses of the legislature, procured appraisements to be made of property taken by the French army from forfeited and sequestered estates, amounting to nine hundred and seven pounds, nine shillings and three pence, for which no compensation hath been made to him in the settlement of his accounts with the auditor, no certificate having been by the said Udny Hay procured from the Continental commissioner of accounts, therefor.

And whereas the said Udny Hay is satisfied to accept a transfer from this State of its right to receive such certificate. Therefore,

Release of claims to Udny Hay.

Be it enacted by the authority aforesaid, That all the right title interest and claim which the people of this State hath, in and to compensation for the said property, be, and the same is hereby declared to be vested in the said Udny Hay, as a full compensation for his trouble and services in procuring the said valuation.

And whereas in the month of December, one thousand seven hundred and seventy six, William Allison then commanding a regiment of Orange county militia, in actual service under his Excellency George Clinton Esquire, then a brigadier general in the armies of the United States of America, did near Hackinsack, in the State of New Jersey capture and seize in the vicinity of the British army, a quantity of tea supposed to be British property; and did under the authority of a resolution of the convention of this State, distribute the same to the militia of the said State, then in service, at the rate of six shillings per pound, and did pay the proceeds thereof into the treasury of this State.

And whereas a certain Peter Mesier claims the said tea, as having been his property at the time of the capture and seizure thereof as aforesaid, and threatens a prosecution at law against the said William Allison for damages, said to have been by the said Peter Mesier sustained, by the capture and seizure aforesaid.

Be it therefore enacted by the authority aforesaid, That if the said Peter Mesier should institute or cause to be instituted a suit or suits in law or equity, against the said William Allison, on account of the capture and seizure of the said tea, it shall and may be lawful for the attorney general of this State, and he is hereby charged and required to defend the same at the expence of this State; and in case the said Peter Mesier should recover against the said William Allison in any such suit, then upon application of the attorney general to him for the purpose, the treasurer is hereby directed to issue a certificate for the amount of the damages so recovered, payable with interest at the rate of five per cent, and to deliver such certificate together with the amount of the costs of such suit, in money, to the attorney general, who shall deliver and pay the same to the said Peter Mesier or into the court in which the judgment shall be had, in full satisfaction of such judgment according to law.

Appropriation to Peter Mesier.

And be it further enacted by the authority aforesaid, That the said Gerard Bancker, the treasurer aforesaid, be, and he hereby is directed and required to pay out of the treasury aforesaid the sum of one hundred and sixty five pounds to Anne Mott for so much by her expended in building a house on a lot of ground forfeited to the people of this State by the attainder of James De Lancey, and sold by the commissioners of forfeitures for the southern district for which said lot of ground the said Anne by agreement with the said James previous to his attainder was entitled to a lease for twenty one years, with liberty to remove the buildings at the expiration thereof.

Appropriation to Anne Mott.

And be it further enacted by the authority aforesaid, That the treasurer of this State be and he hereby is authorised to pay unto Herman Hoffman, the sum of thirty nine pounds sixteen shillings and seven pence, with interest from the second day of March one thousand seven hundred and seventy nine, in full for provisions furnished by the said Herman to the wives of soldiers of the Continental army, and the wife of Captain Codwise, an officer in the said army.

Appropriation to Herman Hoffman.

And whereas it hath been represented to the legislature that Alexander Harper a captain in Colonel Peter Vroomans regiment of militia was taken prisoner while in actual service and carried to Canada and there confined as a prisoner from the seventh day of April one thousand seven hundred and eighty, until the twenty eighth day of November one thousand seven hundred and eighty two; therefore,

Be it enacted by the authority aforesaid That the auditor of the State be and he is hereby directed to liquidate and settle the account of Alexander Harper for his pay due to him for the time he was in captivity as

Settlement of account of Alexander Harper.

a captain in the regiment aforesaid; and the treasurer is hereby authorised and required to grant a certificate to the said Alexander Harper for what pay shall appear to be due to him upon such account as he shall produce audited by the auditor as aforesaid.

And whereas it hath been represented to the legislature that James Rankins Junior late a private in Captain Marks Demoths company of rangers was taken prisoner while in actual service and carried to Canada and there continued as a prisoner from the fifteenth day of March one thousand seven hundred and seventy seven until the eighteenth day of July one thousand seven hundred and eighty four. Therefore

Settlement
of account
of James
Rankins, jr

Be it enacted by the authority aforesaid, That the auditor of this State be and he is hereby directed to audit the account of James Rankins Junior for pay due to him while he was a prisoner in Canada; and the treasurer is hereby directed to issue a certificate to the said James Rankins for what shall appear to be due to him upon his producing such account audited by the auditor as aforesaid.

Settlement
of account
of William
Petry.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the auditor to audit the account of William Petry late a surgeon in Colonel Henry K. Van Rensselaers regiment of State levies for pay due to him as a surgeon in the said regiment upon his producing such proofs as shall appear satisfactory to the auditor; and the treasurer is hereby directed to grant a certificate to the said William Petry for the amount of such account as he shall produce audited by the auditor as aforesaid.

And whereas it hath been represented to the legislature that William Welsh late a soldier in Colonel James Livingstons regiment by reason of his ill state of health could not return from Boston (where he had been ordered to join the corps of invalids) to the State of New York until some time in March one thousand seven hundred and eighty eight when the law appointing auditors to liquidate and settle the depreciation of pay due to the line of this State lately serving in the army of the United States was repealed, for remedy whereof,

Certificate
to be issued
to William
Welsh.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this State to grant a certificate to the said William Welsh for the depreciation of his pay in like manner as has been granted to the officers and soldiers of the line of this State lately serving in the army of the United States.

Baltus
Van Benthuy-
sen
may pay
arrears of
taxes in
certificates

And be it further enacted by the authority aforesaid, That John N. Bleecker treasurer of the city and county of Albany be and he is hereby directed to receive from Baltus Van Benthuyssen late collector of State taxes in said city the sum of five hundred and twenty six pounds seventeen shillings and one penny in certificates issued or to be issued by the treasurer for claims against persons whose estates have been confiscated, it being the amount of an execution issued against the said Baltus Van Benthuyssen for arrears of taxes: And upon payment thereof the said John N. Bleecker is hereby directed and required to discharge the said execution in the same manner as if the same was paid in gold or silver or bills of credit of this State; *provided* that such payment be actually made within six months after the passing of this act; *and further* that no interest shall be allowed on the said certificates after the time the said sum ought to have been paid by the said Baltus Van Benthuyssen.

And whereas George Fisher now deceased purchased at auction certain lots of land belonging to the State, lying in the township of Fayatt known and distinguished by lots numbers seventy two, seventy three, seventy nine and ninety three, for the sum of five hundred and seventy pounds, and one other lot in the said township known by lot number

ninety four for the sum of three hundred and eighty seven pounds twelve shillings.

And whereas it appears to the legislature that Malachi Treat and John Daniel Gross had for this purpose advanced to the said George Fisher a sum equal to the amount of the first mentioned four lots, for which the estate of the said George Fisher is answerable; and the said Malachi Treat and John Daniel Gross being willing on the intercession of the widow and administratrix of the said George Fisher to accept the said lots in lieu of their said debts. Therefore,

Be it enacted by the authority aforesaid, That the commissioners of the land office be and they are hereby authorised and required on the application of the said Malachi Treat and John Daniel Gross to issue letters patent to the said Malachi Treat and John Daniel Gross for the aforesaid first mentioned four lots in extinguishment of the debts aforesaid.

Letters
patent to
Malachi
Treat and
John Daniel
Gross.

And whereas the said Hannah Fisher administratrix as aforesaid hath prayed that in consideration of the situation and circumstance of the family of her deceased husband the legislature would return the certificates or consideration money which were paid into the treasury for the said lot number ninety four and reserve the said lot for the use of the State.

Be it therefore enacted by the authority aforesaid, That the treasurer of this State is hereby directed to return to the said Hannah Fisher administratrix as aforesaid the amount of such certificates so paid by the said George Fisher for the purchase of the said last mentioned lot; and the commissioners of the land office are authorised and directed to dispose of the said lot at auction, for such price as shall be bidden for the same.

Certificates
to be re-
turned to
Hannah
Fisher.

And be it further enacted by the authority aforesaid That the treasurer be and he is hereby authorised and required to pay to Samuel Campbell the sum of twelve pounds sixteen shillings New York currency in full for his services in going with a flag to Captain Butler for the purpose of exchanging prisoners taken by the enemy at Cherry Valley.

Appropriation
to
Samuel
Campbell.

And whereas it appears to the legislature that Hamilton Young of the city of New York merchant and one of the copartners in trade of Greg Cunningham and company has a claim against the forfeited estate of Henry White for one hundred and sixty nine pounds eight shillings and a half penny being the ballance of the accounts between them which could not be certified and paid within the time heretofore prescribed by law. Therefore

Be it enacted by the authority aforesaid That the treasurer shall be and is hereby required to give a certificate to the said Hamilton Young for the said sum of one hundred and sixty nine pounds eight shillings and a half penny agreeable to the directions of an act entitled "An act for the speedy sale of the confiscated and forfeited estates within this State and for other purposes therein mentioned" passed the 12th day of May 1784, any thing in former law to the contrary notwithstanding.

Certificate
to Hamil-
ton Young.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this State, and he is hereby directed to grant certificates to Anthony Beford, a private in Colonel James Livingstons regiment, and Daniel Taylor a private in Colonel William Malcoms' regiment, for the depreciation of their pay, in like manner as has been granted to the officers and soldiers of the line of this State, lately serving in the army of the United States.

Certificates
to An-
thony Be-
ford and
Daniel
Taylor.

And whereas Comfort Sands, William Denning and Henry Remsen, have heretofore been appointed a committee to assist the auditor of this State, and the said committee having signified a desire to be discharged from the said appointment. Therefore,

Appropriation to Comfort Sands and others.

Be it further enacted by the authority aforesaid, That the said committee shall be, and hereby are discharged from doing any further duty by virtue of their said appointment; and the treasurer is hereby required to pay to the said Comfort Sands, William Denning and Henry Remsen, the sum of seventy five pounds each, as a compensation for their extraordinary services and expences in advising and assisting the auditor by direction of the legislature.

Appropriation for Indian affairs.

And be it further enacted by the authority aforesaid, That in case the commissioners appointed to hold treaties with the Indians within this State, shall find it necessary to hold a treaty with the said Indians during the present year, it shall and may be lawful for the said commissioners to draw from the treasury, a sum not exceeding one thousand pounds, for the purpose of holding such treaty, in addition to the sum already granted.

And whereas by a resolution of the Senate and Assembly of the fifteenth day of July last it was resolved that six hundred pounds to be appropriated to the purchase of Indian corn for the relief of the poor and distressed inhabitants of the counties of Albany, Montgomery Washington, and Clinton, and for the Indians residing within this State, and that payment should be made therefor, excepting that part given to the Indians on or before the first day of January last; that the said sum of six hundred pounds was directed to be paid by the commissioners for holding treaties with the Indians residing within this State; and that the legislature would at their next meeting make legislative provision for the indemnification of the said commissioners.

And whereas it hath been represented to the legislature, that the persons to whom the corn was delivered are not in a situation to make payment; therefore,

Credit to be given to Indian commissioners.

Be it further enacted by the authority aforesaid, That the treasurer of this State be, and he is hereby directed to credit the commissioners aforesaid, for such sums of money as they may have paid in consequence of the resolutions aforesaid; and that the several persons who are by the said resolution holden or bound to make payment for the corn aforesaid, be and they hereby are exonerated from same.

And whereas John Helmer late of the county of Montgomery deceased, obtained a certificate signed by Abraham Ten Broeck and Peter Gansevoort junior, two of the commissioners appointed by an act entitled "An act making provision for officers soldiers and seamen who have been disabled in the service of the United States, which entitled him the said John Helmer as an invalid to four and one third dollars per month. But as the said law directs that the invalids residing within this State, shall exhibit to the treasurer an affidavit taken before a magistrate of the county where they reside in the months of April and May in each year.

And whereas it is represented to the legislature that the said John Helmer was either killed by the Indians, or drowned on or about the seventh day of October one thousand seven hundred and eighty-six, so that the necessary affidavit required by law could not be procured to obtain pay as an invalid as aforesaid. Therefore,

Audit of account of John Helmer, deceased.

Be it further enacted by the authority aforesaid, That the auditor of this State be and he is hereby directed and empowered to audit the account of the said John Helmer deceased, in the same manner as though the affidavit could have been procured; and the treasurer of this State is hereby directed to pay to the legal representative of the said John Helmer deceased, such sum as shall be produced to him audited as aforesaid, and charge the same to the United States.

And whereas Richard Morris Esquire, as chief justice of the supreme court of this State, has in general not received any higher salary than the other judges of the said court, and has arrived to that period of life which by the constitution will oblige him within a few months to resign his said office, by which means, and from the great losses he has sustained by the ravages of the enemy during the late war, he will be much embarrassed in his circumstances; therefore,

Be it further enacted by the authority aforesaid, That the the treasurer pay unto the said Richard Morris Esquire, as soon as he shall be disabled by the constitution from holding his said office, the sum of six hundred pounds.

Appropriation to Richard Morris.

And be it further enacted by the authority aforesaid, That the treasurer of this State pay unto Mary Stickler administratrix of the last will and testament of Alexander MaGraw, deceased, the sum of one hundred and fifteen pounds, with the interest from the first day of December in the year one thousand seven hundred and seventy seven, being for monies belonging to the said Alexander Magraw, which his excellency the governor received at that time at Poughkeepsie, and sent by a flag to the prisoners in the Provost in New York.

Appropriation to Mary Stickler, administratrix.

And whereas the commissioners of forfeitures for the southern district, on the fourteenth day of June one thousand seven hundred and eighty four, did convey unto Isaac Guion, for the sum of nine hundred and eighty eight pounds, a farm in the county of West Chester, which was forfeited to the people of this State by the conviction of Joshua Pell, which farm was charged with legacies by Joshua Pell the elder, father of the aforesaid Joshua Pell.

And whereas Benjamin Guion and Sarah his wife, Benjamin Pell, Gilbert Pell and Jerusha Pell, four of the legatees of the said Joshua Pell the elder, have by their several suits at law obtained judgments for their several legacies, so charged on the said land, with costs of suit; therefore,

Be it further enacted by the authority aforesaid, That the treasurer pay unto Aaron Burr Esquire, attorney for the legacies of the said Joshua Pell the elder, the sum of nine hundred and eighty eight pounds, in discharge of the said judgments, and in discharge of all the other legacies charged upon the lands so sold by the said commissioners by the will of the said Joshua Pell the elder; and that the said Aaron Burr do thereupon procure proper discharges therefor. And also the further sum of one hundred and twenty five pounds five shillings and a penny and two thirds of a penny, to Isaac Guion, in full discharge of all demands which he may have against the people of this State for defending the suits brought against him by legatees first above mentioned, and for all demands against the people of this State on account of the said farm.

Appropriation to legatees of Joshua Pell.

And be it enacted by the authority aforesaid, That the treasurer give unto George Taylor junior, late deputy to Udney Hay late State agent, a certificate for the sum of one hundred and twenty two pounds eighteen shillings and two pence, with the interest from the fifteenth of June one thousand seven hundred and eighty six, in like manner as other certificates in similar cases are given, in full for all claims against the said Udney Hay as State agent, and this State.

Certificate to George Taylor, Jr.

And whereas Jonathan Bayles by his memorial has represented to the legislature that in the year one thousand seven hundred and eighty four he purchased of the commissioners of forfeitures for the southern district, a certain farm in West Chester county, forfeited to the people of this State by the conviction of Joseph Merrit, which farm appears to

be incumbered with a mortgage on fifty six acres of the said farm by the said Joseph Merrit, for securing the payment of one hundred and eighty four to Mary Walton junior which sum has been on interest from August the tenth one thousand seven hundred and seventy five, and that an ejectment is brought against the said Jonathan Bayles for the said mortgaged premises; therefore,

Appropriation to Mary Walton, jr.

Be it further enacted by the authority aforesaid, That the attorney general be and he is hereby directed to inquire into the incumbrance on the said farm, and settle the same in such manner as he shall judge most advantageous for the State; and the treasurer is hereby directed to pay in discharge of the said incumbrance such sum of money as the said attorney general shall certify to him to be reasonable for that purpose.

Certificates to Richard Terrey and William Early.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for Richard Terrey to have his claim or demand against the estate of George Murrison, forfeited to the people of this State, audited and adjusted agreeable to the act entitled An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned; and that it shall also be lawful for William Early to have his claim or demand against the estate of Benjamin Lewis, and against the estate of Nathan Whitney, forfeited as aforesaid, audited and adjusted in like manner; and the treasurer is hereby directed to give unto them severally certificates for the sums to be found due to them respectively, in the same manner as if their respective claims or demands had been exhibited to him audited and certified, previous to his having advertised for the exhibition of all claims and accounts against the said forfeited estates.

CHAP. 53.

AN ACT for laying out and opening roads, and for other purposes therein mentioned.

PASSED the 6th of April, 1790.

Preamble.

WHEREAS the laying out and opening a road from the Susquehannah river, at or near the mouth of the Oulehoudt, across the country, on the nearest easterly line admissible to Hudsons river is an object interesting to the people of this State, in facilitating a communication with the western parts thereof; therefore

Road to be laid out from the Susquehannah to Hudson river.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office to agree or contract with any person or persons whom they shall judge proper, to explore, lay out, and open a road from the Susquehannah river, beginning at or near the mouth of the Oulehoudt, and to lead from thence easterly, to the Scohary kill, and from thence easterly to Hudsons river, pursuing the present tract of communication now used between the said rivers, or making such alterations thereof, or deviations therefrom, as they shall deem proper; laying out the same in such manner as the said commissioners shall judge most conducive to the interest of this State.

Expenses of survey and opening of road

And be it further enacted by the authority aforesaid, That the said commissioners, may from time to time, draw from the treasury by warrant of the governor, such sum or sums of money as they shall find nec-

essary for defraying the expences, of exploring, laying out and opening such road, not exceeding the sum of eight hundred pounds.

And be it further enacted by the authority aforesaid That the treasurer pay unto the supervisors of the county of Washington the sum of two hundred pounds, to be by them appropriated in making and repairing of roads and bridges between Fort Ann and where the Wood creek disembogues itself into Lake Champlain, and from the last mentioned place, to the north bounds of the town of Granville: And that the said supervisors at their meeting on the last Tuesday in May next cause the said roads to be explored, and direct the making and repairing the same in such manner as they or the major part of them shall seem best.

Appropriation for roads and bridges in Washington county

And be it further enacted by the authority aforesaid That the treasurer pay to the supervisors of the town of Palatine, in the county of Montgomery, the sum of one hundred pounds for the purpose of erecting a bridge across Canada creek, not exceeding three miles from the mouth thereof, upon the road from the Mohawk river to the Royal grant.

Id.; bridge over Canada creek.

And be it further enacted by the authority aforesaid That it shall not hereafter be necessary for the governor or the person administering the government of this State for the time being, to be at all times one of the three of the commissioners of the land office, to execute the powers and trusts committed to the commissioners of the land office, in and by the first section of the act entitled "An act for the speedy sale of the unappropriated lands within this State, and for other purposes therein mentioned," passed the fifth May 1786 but that it shall and may be lawful for any three of the commissioners mentioned in the said act, in the absence of the governor or person administering the government of this State for the time being, to execute the trusts and powers prescribed by the said act, or any other acts of the legislature, whenever the governor or person administering the government for the time being shall not attend.

Three land commissioners may act in absence of governor.

And whereas it is represented to the legislature, that a certain farm situate and lying in the patent of Minisink, in the county of Ulster, and known in a subdivision among the heirs of Stephen De Lancy deceased, of lot number thirty six in the angle of Minisink, by lot number two, containing two hundred and ten acres, supposed to have been forfeited by the attainder of John Watts, now deceased, was in the year one thousand seven hundred and eighty two, sold and conveyed by the commissioners of the middle district, to James Carpenter, of the county of Orange, for the consideration of two hundred and ten pounds.

And whereas it is represented to the legislature, that by the original deed of partition, the said lot was the property of Ann Watts, wife of the said John Watts, and did on her decease in the year one thousand seven hundred and seventy five, descend to Robert Watts her eldest son and heir at law, who hath now the legal right to the same; therefore,

Be it further enacted by the authority aforesaid, That the attorney general of this State be, and he is hereby authorised and directed to examine into the claim of the said Robert Watts; and if it shall appear that the said Robert Watts hath a good title to the said lot of land, then the attorney general may, and he is hereby authorised and directed, to treat with the said Robert Watts, for the release and extinguishment of his claim and right to the said premises; and the treasurer of the State is directed, upon the certificate of the said attorney general, to pay to the said Robert Watts such sum of money, as shall between them, for that purpose be agreed on.

Appropriation to Robert Watts.

Provided the same shall not exceed the said sum of two hundred and ten pounds.

CHAP. 54.

AN ACT for the sale of certain lots of ground and for other purposes.

PASSED the 6th of April, 1790.

Weigh-
house lot
in New
York city
to be sold.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer of this State, to cause the lot of land in the south ward of the city of New York, formerly called the weigh-house lot, to be sold at public vendue; first giving four weeks notice of the time and place of such sale, by publishing the same in one or more of the newspapers published in the city of New York; and to make and execute a good and sufficient conveyance for the same to the purchaser thereof, his heirs and assigns forever, upon such purchaser's paying the purchase money into the treasury of this State.

Lands on
Wall street
and the
Bowery to
be sold.

And be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer of this State, and he is hereby required, to cause all that lot of land on the north east side of Wall street in the city of New York, and all those certain lots of land in the Bowery in the out ward of the city of New York, formerly part of the estate of Abraham De Peyster deceased, to be sold at public vendue; first giving four weeks public notice of the time and place of sale, by publishing the same in one or more of the news papers printed in the city of New York; and on payment of the purchase money, to execute and deliver to the purchaser or purchasers thereof, good and sufficient deeds for conveying the same to such purchaser or purchasers, and to his, her and their heirs and assigns for ever; but such deeds, shall not contain any covenants or warranty: And every such deed shall be good and sufficient against the people of this State, and all persons claiming by from or under them, and against the heirs and assigns of the said Abraham De Peyster, and all persons claiming by from or under them, or any or either of them.

Appropriation
for
Indian
affairs.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for his excellency the governor, to draw an order on the treasurer for the sum of six hundred and forty pounds directed by the act entitled "An act for the payment of the salaries of the officers of government and other contingent charges," to be paid to the Oneida, Onondaga and Cayuga Indians, which will become due to them in June next, in pursuance of the late treaties with them, in favor of such person as he shall appoint to pay the said sum of money to the said Indians.

CHAP. 55.

AN ACT to explain the law concerning the limitation of criminal prosecutions, and for other purposes.

PASSED the 6th of April, 1790.

Statute of
limitations,
when not
to operate.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the fourteenth section of the act entitled "An act for the limitation of criminal prosecutions and suits at law," shall not extend to any

suit information or indictment which shall be commenced or exhibited against any person for any crime or misdemeanor unless such person shall have been an inhabitant of, or usually resided within some part of this State, exclusive of the district called Vermont, for and during three years at the least, after the time such crime or misdemeanor shall have been done or committed.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the treasurer, to let on loan, to John Carpenter of Goshen in Orange county, a sum not exceeding five hundred pounds, upon receiving such deposit or security from the said John Carpenter as he shall judge sufficient for securing the payment of the said five hundred pounds, to be paid in three years from the date of such loan, with the interest thereon, at five per cent per annum.

Loan to
John Car-
penter.

And whereas Nathan Smith of Ulster county, did in the year one thousand seven hundred and seventy seven, deliver sixty eight barrels of flour for the use of the American army, at Fort Montgomery, amounting to the sum of one hundred and seventy pounds, for which flour (by means of the loss of the said fort, and of the commissary who purchased the said flour deserting to the enemy being the same person as mentioned in the resolution of Congress of the seventh of January one thousand seven hundred and seventy eight) the said Nathan Smith has been prevented from obtaining the proper vouchers; therefore

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of the State, to advance to the said Nathan Smith out of any monies in the treasury not otherwise appropriated, the sum of one hundred and seventy pounds, on account of the said flour so delivered; and that the treasurer charge the same to the United States: And it is hereby made the duty of the auditor to procure such evidence of the delivery of the said flour, and of any other matter or thing relating thereto, which may be necessary to support the said charge against the United States: *Provided always,* that in case the United States shall not allow the said charge on settlement with this State, the said Nathan Smith shall be liable to repay the monies so as aforesaid paid to him by the treasurer.

Advance
to Nathan
Smith.

And be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer of this State, and he is hereby directed to issue to the administrator or administrators to the estate of Philip Henning deceased, a certificate for the sum of forty four pounds fourteen shillings bearing interest at the rate of five per cent from the eleventh day of June one thousand seven hundred and seventy seven in full for so much money paid into the treasury of this State, by the commissioners of sequestration for the county of Dutchess, being the produce of certain personal estate of the said Philip Henning sold by the said commissioners.

Certificate
to admin-
istrator of
Philip
Henning
deceased.

CHAP. 56.

AN ACT for the encouragement of a manufactory of earthenware by a loan of money to the proprietor thereof.

PASSED the 6th of April, 1790.

WHEREAS Abraham Willson, by his petition presented to this legisla- Preamble.
ture doth set forth, that he hath established a manufactory of white and cream coloured earthen ware, in the prosecution of which he hath

already expended considerable sums of money and that in order to render the said manufactory extensively useful, it will be requisite to provide an additional stock of materials and procure workmen from Europe, which the said petitioner is unable to effect without the aid of the legislature, by a loan of money for this purpose.

And whereas the establishment of useful manufactories is closely connected with the public weal, and this legislature being desirous to encourage the same hath acceded to the prayer of the said petitioner. Therefore

Loan to
Abraham
Willson.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State is hereby authorized and directed out of any monies that may be in the treasury after the passing of this act to advance on loan to the same Abraham Willson the sum of fifteen hundred pounds.

Proviso;
mortgage
to be given

Provided that the said Abraham Willson shall at the same time enter into a bond to the said treasurer, conditioned for the faithful payment of the said sum of fifteen hundred pounds, in three years from the date of the said obligation, together with one years interest for the same, at the rate of five per cent; and that the said Abraham Willson shall also duly execute to the said treasurer a good and sufficient mortgage upon such real estate, as the said treasurer shall think sufficient for securing the said money, with the interest on the same as aforesaid; which said mortgage the treasurer is hereby directed to get duly recorded, and to hold the same for the use of the people of this State.

CHAP. 57.

AN ACT to regulate sales on execution.

PASSED the 6th of April, 1790.

Preamble.

WHEREAS lands and tenements goods and chattels within this State are liable to sale on executions, and are frequently exposed and sold by sheriffs without proper public notice of such sale, by reason whereof, collusions between sheriffs and purchasers sometimes happen, and such lands and tenements, goods and chattels are often sold at a very small sum in proportion to their value, to the great detriment of the proprietors; for the remedy whereof,

Sales on
execution,
mode pre-
scribed.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of August next, no lands or tenements, goods or chattels within this State, shall be sold by virtue of any writ of fieri facias, or other writ of execution issuing out of the supreme court, or any court of common pleas within this State, unless such sale be at public vendue, and between the hour of nine in the morning, and the setting of the sun in the same day; the time and place, of holding whereof, shall have been previously advertised publicly for the space of six weeks successively, by nailing up a printed or written notice thereof, in at least three of the most public places within the town, where such lands or tenements goods or chattels shall be sold; and also by causing a similar notice thereof, to be printed in one of the public news-papers, if any such paper there be, within the county wherein such lands and tenements, goods and chattels shall be sold.

And be it further enacted by the authority aforesaid, That if any sheriff shall sell any lands or tenements, goods or chattels by virtue of any such writ, otherwise than in the manner by this act prescribed, or without such previous notice; or if any person shall take down or deface any such notice previous to the day therein specified for the sale of such lands or tenements, goods or chattels, unless upon satisfaction of the judgment on which such execution issued, the sheriff so offending, shall for every such offence, forfeit and pay the sum of five hundred pounds; and every person so offending by taking down or defacing such notice shall forfeit and pay the sum of fifteen pounds, to be respectively recovered with costs of suit, by any person who will sue for the same; which sum or sums when recovered, shall be for the use of the person so prosecuting for the same; and that no such offence shall be deemed to affect the validity of any such sale.

Penalty for violation of this act.

And be it further enacted by the authority aforesaid, That it shall not be lawful for any sheriff or other officer to whom any such execution shall be directed, or any of their deputies, or any person for them or either of them, to purchase any goods or chattels, lands or tenements, at any such sale; and all purchases so made by them or any of them, or for the use of them, or any, or either of them, shall be absolutely void.

Sheriff or deputy not to purchase

CHAP. 58.

AN ACT respecting the court of exchequer, as to fines on jurors and officers of courts, and for the better recovery of debts due to the State.

PASSED the 6th of April, 1790.

WHEREAS by an act entitled "An act to organize the government of this State," the chancellor was authorized and required forthwith to cause a seal to be devised and made, and it was thereby declared that all commissions writs and other proceedings should in future issue under the said seal to be devised and made as and for the seal of the said court.

Preamble.

And whereas the keeping of the said seal in one part of this State causes great inconvenience, expence and delay, to the citizens who reside at a great distance therefrom and who require the sealing of such commissions writs, processes and other proceedings. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, to and for the chancellor, and he is hereby authorized and required forthwith, to cause an additional seal to be devised and made for the said court, and to cause the same to be deposited in such place as he shall judge most convenient and all commissions writs processes and other proceedings issued under such seal shall be equally valid, as if the same had issued under the present seal of the said court.

Additional seal for court of chancery.

And be it further enacted by the authority aforesaid, That the said chancellor shall deliver to the secretary of this State, a description in writing of the said seal which description the said secretary shall record and deposit in his office, there to remain as a public record of this State.

Description to be filed.

And whereas the court of exchequer is not authorized by law to give relief in cases of fines, upon equitable and good causes shewn. *Therefore be it further enacted by the authority aforesaid,* That in all cases where

Court of exchequer, relief in case of fines.

any fine or fines upon any juror or any officer of any court for any default of attending at any court, shall be estreated into the court of exchequer, and a petition shall be presented for relief it shall and may be lawful to and for the said court, to hear and determine all matters concerning the same, and upon good and sufficient cause shewn to the said court, to remit any such fine or fines, or any part thereof according to equity and justice, in the same manner as in cases of estreated recognizances, any law to the contrary notwithstanding.

Suits for recovery of money due the State, how brought.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the attorney general of this State for the time being and he is hereby required, to sue for and recover in the name of the people of the State of New York or in the name of the treasurer of the State of New York, all debts and sums of money due, or to become due to the people of the State of New York in any manner whatsoever, and to pay the same unto the treasurer of this State, for the use of the people thereof; and the treasurer and auditor of this State, are hereby respectively directed, to give notice to the attorney general from time to time, of all debts and sums of money due to this State, and to furnish him with such evidence relating to the same as may be in their power or knowledge; and that in all such suits, brought in the name of the people of the State of New York, it shall be sufficient to declare generally, that the defendant is indebted to the people of the State of New York in the sum demanded, and that the particular grounds of such demand and the special matter may be given in evidence upon such declaration, and that in any such action any part of the sum so declared for, as the evidence may watrant, may be recovered.

Suits for neglect of duty in levying taxes.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the attorney general of this State for the time being and he is hereby directed, to prosecute in the name of the people of the State of New York or in the name of the treasurer of the State of New York, every sheriff, supervisor and other officer, who hath refused or neglected, or shall refuse or neglect to do his duty respecting any tax imposed since the first day of January one thousand seven hundred and eighty four, or hereafter to be imposed by the legislature or any arrears thereof, or respecting any warrant issued or to be issued by the treasurer of this State, or by any county treasurer relating to any such tax, or any arrears thereof.

CHAP. 59.

AN ACT to carry into effect the concurrent resolution and acts of the legislature for granting certain lands promised to be given as bounty lands and for other purposes therein mentioned.

PASSED the 6th of April, 1790.

Preamble.

WHEREAS by the third clause of the act entitled An act to appropriate the lands set apart to the use of the troops of the line of this State lately serving in the army of the United States and for other purposes therein mentioned the commissioners of the land office are prohibited from granting letters patent to the persons who are entitled to grants of bounty and gratuity lands until after the first day of January one thousand seven hundred and ninety one. *And whereas* such delay in granting the said letters patent may be injurious to the settlement of the said lands. For remedy whereof

I. *Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same* That the commissioners of the land office shall and may by advertisement to be published in one or more of the public newspapers published in the city of New York whereof the newspaper printed by the printer for this State shall be one and in one of the newspapers printed in the city of Albany for six weeks successively to require all persons entitled to lands by virtue of the concurrent resolutions of the senate and assembly of the twenty seventh day of March one thousand seven hundred and eighty three and by the eleventh clause of an act entitled "An act for granting certain lands promised to be given as bounty lands by the laws of this State and for other purposes therein mentioned" passed the eleventh day of May one thousand seven hundred and eighty four who have not already exhibited their claims to exhibit the same to the said commissioners on or before the first day of July next and shall immediately thereafter proceed to examine the claims of every person who may apply for letters patent in pursuance of the said concurrent resolutions and the said eleventh clause of the act last aforesaid and as soon as they shall have determined that such person is entitled they shall cause letters patent to issue for the share of such person.

Commissioners of land office to advertise for presentation of bounty land claims

And whereas the survey of the said tract of land, so set apart for the troops aforesaid, has not been completed.

II. *Be it therefore enacted by the authority aforesaid* That it shall be the duty of the surveyor general to direct and cause the out lines to be run and marked of all those and such townships in the said tract the survey of the outlines whereof is yet unfinished. And in order the better to enable him to complete the same the treasurer is hereby directed and required to pay to the surveyor general a sum not exceeding five hundred pounds. And to encourage a speedy settlement, and prevent inconveniences that may arise among the claimants, for the want of a proper regular subdivision of the said townships into lots;

Survey of outlines of bounty lands to be completed.

Be it further enacted by the authority aforesaid, That it shall also be the duty of the surveyor general to cause each of the said townships to be sub-divided into one hundred lots, each lot to contain six hundred acres. And to enable him to supply provisions and other necessities, to carry the same into effect, the treasurer is hereby further directed and required to pay to the said surveyor general, the further sum of four hundred pounds; which said sum shall be repaid into the treasury, in the following manner, that is to say, it shall be the duty of the secretary of the State, to charge over and above the fees already established on each lot the sum of eight shillings, to be by him collected and paid into the treasury, to the full amount of the sum so to be advanced as last aforesaid; and the residue shall be paid to the surveyor general, to be by him applied for the discharge of the wages that shall become due to the surveyors and chain bearers, for their services. And in order to make ample provision for the full discharge of the wages that may remain due to the said surveyors and other persons employed in the aforesaid service;

Subdivision of townships; expenses.

Be it further enacted by the authority aforesaid That the quantity of fifty acres in one of the corners of the respective lots to be so laid out, shall be, and are hereby subjected to the payment of the further sum of forty eight shillings, to the surveyor general as a compensation in full for his services and expences in marking numbering and surveying each of the said lots. And in every case where the said sum of forty eight shillings or any part thereof shall remain unpaid for the term of two years next after the issuing of the respective patents it shall and is

Reservation for expense of survey.

hereby made the duty of the surveyor general and he is hereby authorised and required, to sell the parts so subjected at public vendue, after giving six weeks notice thereof in one or more of the public news papers printed in this State; and the money arising therefrom shall be by him applied to the discharge of the principal and interest of the debts due to the surveyors chain-bearers and such other necessary expences as may accrue in the discharge of the business aforesaid: And in consequence of such sale the purchaser shall be vested with the fee of the lands so to be sold as aforesaid by a deed from the surveyor general; and the overplus of the money, if any, that shall remain in the hands of the surveyor general shall be paid into the treasury of the State, to be applied hereafter, by law, towards laying out and making roads in the tract aforesaid.

Letters
patent, to
whom to
issue.

And be it further enacted by the authority aforesaid That the letters patent mentioned and directed to be issued by the eighth clause of the act herein first recited shall issue in the names of the persons who have actually served in the line of the army of the United States as designated in the said concurrent resolutions, and the eleventh clause of the said act passed the eleventh day of May 1784 granting the same to such persons respectively, and to their respective heirs and assigns forever. And the lands so to be granted, in and by the said letters patent, shall be deemed considered and adjudged to have vested in the respective grantees, and their heirs and assigns respectively on the twenty seventh day of March in the year of our Lord one thousand seven hundred and eighty three: And all grants bargains sales devisees and other dispositions made by any of the said grantees or their heirs or assigns, of the said land so to be granted to them respectively, or any part thereof, between the said twenty-seventh day of March in the year last aforesaid, and the date of such letters patent respectively, shall be as good & effectual as if the said letters patent had been granted on the said twenty seventh day of March in the year last aforesaid.

Balloting
for lands,
how con-
ducted.

And be it further enacted by the authority aforesaid That instead of the balloting directed to be performed in and by the third and fifth clauses of the act herein first recited the same shall be done and performed in manner following. The said commissioners, after having determined how many townships will contain lands sufficient to satisfy the claims of all such persons who are entitled to bounty and gratuity lands by the said concurrent resolutions and by the eleventh clause of the said act passed the eleventh day of May one thousand seven hundred and eighty four and shall have numbered the same from number one progressively, the said commissioners shall then cause one hundred ballots or tickets to be made and numbered from number one to one hundred and marked also with the words township number one and shall also cause a like number of ballots or tickets to be made and numbered and marked for township number two and so on until ballots or tickets in like manner are made, numbered and marked as aforesaid for each of the townships set apart for satisfying the said bounties or gratuities and after having caused the said ballots or tickets to be rolled up shall then cause the whole of the said ballots or tickets to be put into a box and whenever they shall have determined that any particular person applying for bounty or gratuity land as aforesaid is entitled to the same they shall cause one ballot or ticket to be drawn out of the said box or as many ballots or tickets to be drawn out as such person applying shall be entitled to shares of six hundred acres, and the lots in each township so drawn shall be the separate and distinct share of such person or of his heirs or assigns and whenever the number of ninety four ballots or tickets

shall be drawn in any one township the remaining six lots shall be considered and taken as reserved for the purposes expressed in the sixth clause of the act herein first recited and whenever any of such remaining six lots shall be drawn the said commissioners shall cause another ballot or ticket to be drawn and so on until a lot shall be drawn which shall not be one of the six lots reserved in each township as aforesaid and the said commissioners shall proceed on in like manner on the application of every person who shall appear to be entitled to the bounty and gratuity aforesaid until the whole claims of such persons or their heirs or assigns who shall be so entitled as aforesaid shall be satisfied and in case the number of townships first set apart by the said commissioners shall prove insufficient to satisfy such claims the said commissioners shall and may from time to time proceed to set apart such other and further township or townships or part thereof as shall be sufficient to satisfy such claims.

And be it further enacted by the authority aforesaid That whenever it shall appear to the said commissioners that any person applying for bounty and gratuity lands as aforesaid, shall have received from the United States the bounty of land promised to such person by Congress or in case the said commissioners shall not be able to procure the assignment of such land mentioned in the fourth clause of the act herein first recited that then the said commissioners having determined that such person is entitled as aforesaid, shall cause letters patent to issue to such person for the bounty and gratuity lands as aforesaid, reserving however in and by the said letters patent one hundred acres in each lot, to which such person shall be so entitled, to the people of this State, designating particularly in which part of such lot such reserved part shall be taken.

**Reserva-
tion where
claimant
has receiv-
ed bounty
land from
Congress.**

And be it further enacted by the authority aforesaid, That the secretary of this State instead of the fees allowed him in and by the eighth clause of the act herein first recited shall be allowed for his services in preparing the letters patent and keeping the minutes of the said commissioners the sum of sixteen shillings, for each and every of the letters patent to be issued for any quantity of land not exceeding six hundred acres, and the further sum of one shilling for every hundred acres more contained in any such letters patent, in pursuance of the said acts; and for his services in preparing every letters patent for the quantity of six hundred acres of land or under, and keeping the minutes of the commissioners, aforesaid the sum of sixteen shillings, any law to the contrary notwithstanding.

**Fees of
secretary
of State.**

And be it further enacted by the authority aforesaid That it shall and may be lawful for the commissioners of the land office to receive and examine claims from the officers and soldiers who were returned as the quota of this State; and those who received the depreciation of their pay from this State shall be entitled to the gratuity and bounty lands in like manner as in and by this act is granted to the officers and soldiers of the line of this State, lately serving in the army of the United States.

**Claims of
soldiers of
the quota
of this
State.**

And whereas it appears to the legislature by a report of the commissioners of the land office that the lands set apart for the Canadian and Nova Scotia refugees are all appropriated. *And whereas* it further appears to the legislature, by the petitions of Captain Joseph Delezenne, Lieutenant Elijah Bill, Lewis Soso and Francis Ossey refugees from Canada and Nova Scotia, that they were not included in the return; and it appearing reasonable that provision should be made for them.

Grants to
certain
refugees.

Be it further enacted by the authority aforesaid That the commissioners of the land office be and they are hereby directed to grant to Captain Joseph Delezenne, Lieutenant Elijah Bill, Lewis Soso, and Francis Ossey refugees as aforesaid the proportion of land they would have been entitled to by any former law of this State if they had applied within the time limited by the said law out of any lands set apart for the troops of the line of this State lately serving in the army of the United States.

And whereas by a proviso subjoined to the eleventh section of the act herein first recited the time limited for making the locations in and by the said section authorised, is one year after the passing of the said act, which period had elapsed; and it is deemed necessary to revive and extend the same. Therefore,

Time for
locations
extended.

Be it enacted by the authority aforesaid, That the time in which such locations may be made, be and the same is hereby revived and extended to the first day of March next.

Eastern
boundary
of cession
to Massa-
chusetts.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor general by agreement with the proprietors of the land ceded to the State of Massachusetts by this State, to run out and settle the eastern boundaries of the said land.

LAWS
OF THE
STATE OF NEW-YORK,
PASSED AT THE
FOURTEENTH SESSION OF THE LEGISLATURE.

CHAP. 1.

AN ACT to further continue the treasurer of this State in office.

PASSED the 18th of January, 1791.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That Gerard Bancker shall be, and hereby is continued in office as treasurer of this State until sixty days after the rising of the legislature at their next meeting after the first Monday in July, which will be in the year of our Lord one thousand seven hundred and ninety two.

Gerard
Bancker
continued
in office as
treasurer.

And be it further enacted by the authority aforesaid, That the said Gerard Bancker, if he shall take upon him the execution of the said office, shall, on or before the first day of April next, appear before one of the judges of the supreme court of this State, and take the following oath, viz.

Oath to be
taken.

"I Gerard Bancker, appointed treasurer of this State, do solemnly and sincerely swear and declare in the presence of Almighty God, that I will during my continuance therein well faithfully and honestly, to the best of my knowledge and ability, execute the office of treasurer of this State; and that I will not any occasion or pretence, apply any money or securities which shall or may come to my hands, as belonging to this State to any private uses or purposes whatsoever; and that when my accounts as treasurer shall be examined in manner directed by law I will exhibit an account of such securities under this my oath of office. So help me God.

Bond to be
taken by
speaker of
assembly.

And be it further enacted by the authority aforesaid, That the speaker of the assembly for the time being shall take a bond from the above named Gerard Bancker on or before the first day of April next with not less than four sufficient sureties to the people of this State, in the sum of twenty thousand pounds, lawful money of this State, with a condition that the said Gerard Bancker shall and will, well faithfully and honestly execute and perform the duties of the said office, which bond when so taken, shall be lodged in the secretaries office of this State.

Discharge
of bond.

And be it further enacted by the authority aforesaid, That if the said Gerard Bancker shall upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the secretary of this State, a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said Gerard Bancker expressing that his accounts as treasurer are regularly stated and balanced, and also that the ballance of monies and securities belonging to the State, if any there be, are actually in the treasury, such certificate when lodged in the office of secretary of the State as aforesaid, shall be, to all intents and purposes a discharge of the bond directed by this act to be given by the treasurer, with sureties for the faithful performance of the duties of his office as aforesaid.

CHAP. 2.

AN ACT to repeal the act therein mentioned.

PASSED the 29th of January, 1791.

Act recited
repealed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act entitled "An act for the relief of widows and orphans of officers and soldiers of the line of this State and of the militia thereof," passed the 17th April 1784, be and the same is hereby repealed.

CHAP. 3.

AN ACT to allow Lewis McDonald to return to and remain within this State.

PASSED the 29th of January, 1791.

Preamble.

WHEREAS it has been represented to the legislature by the petition of Lewis McDonald that he the said Lewis McDonald is desirous of having permission to return to this State. Therefore,

Lewis
McDonald
may return
to this
State.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That the said Lewis McDonald is hereby permitted to return to and remain within this State unmolested any law to the contrary notwithstanding.

CHAP. 4.

AN ACT for apportioning the representation in the legislature according to the rule prescribed by the Constitution; and for dividing the county of Albany.

PASSED the 7th of February, 1791

WHEREAS by the census of the electors and inhabitants of this State lately taken by order of the legislature it appears, that alterations in some of the districts, and counties, and in the number of the representatives chosen therein, are necessary to be made. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the towns of Cambridge and Easton in the county of Albany, shall be and hereby are annexed to, and shall hereafter be considered as part of the county of Washington. And that all that part of the residue of the said county of Albany, which is on the east side of a line drawn through the middle of the main stream of Hudsons river with such variation as to include the islands lying nearest to the east bank thereof shall be one separate and distinct county, and be called and known by the name of Rensselaer. And that all that part of the said county of Albany, which is bounded easterly by the west bounds of the said county of Rensselaer and the county of Washington, southerly by the middle of the most northerly branch of the Mohawk river, and the middle of the said river and the town of Schenectady, westerly by the county of Montgomery, and northerly by the county of Washington, shall be one separate and distinct county, and be called and known by the name of Saratoga. And that the residue of the said county of Albany, shall continue and remain one separate and distinct county, and be called and known by the name of Albany: And the bounds of the several towns in the said respective counties adjacent to and limited by the Hudsons river and Mohawk river, are hereby extended to and limited by the bounds of the said respective counties herein described; *provided nevertheless* that the rights and privileges heretofore granted to the corporation of the city of Albany by charter, shall not be in any wise affected or abridged. And the freeholders and inhabitants of the said several counties, shall have and enjoy within the same respectively, all and every the same rights powers and privileges as the freeholders and inhabitants of any other county in this State are by law entitled to have and enjoy.

And be it further enacted by the authority aforesaid, That there shall be held in and for each of the said counties of Rensselaer and Saratoga respectively, a court of common pleas and a court of general sessions of the peace, at such suitable and convenient place within each of the same counties respectively, as such judges of the court of common pleas, and such justices of the peace as shall be appointed for each of the same counties respectively, or a majority of them, shall respectively appoint: And that there shall be two terms of the same courts in each of the same counties respectively, in every year, to commence and end on the following days, that is to say, the first term of the courts of common pleas and general sessions of the peace in and for the said county of Rensselaer, shall begin on the first Tuesday of May, and may continue to be held until the Saturday following inclusive; and the second term of the same courts in the same county of Rensselaer shall begin on the second

Preamble.

Part of Albany county annexed to Washington.

Rensselaer county erected.

Saratoga county erected.

Courts in Rensselaer and Saratoga.

Tuesday of November, and may continue to be held until the Saturday following inclusive. And the first term of the courts of common pleas and general sessions of the peace, on and for the said county of Saratoga, shall begin on the second Tuesday of May and may continue to be held until the Saturday following inclusive; and the second term of the same courts in the same county of Saratoga shall begin on the third Tuesday of November and may continue to be held until the Saturday following inclusive. And the said courts of common pleas and general sessions of the peace, shall have the same jurisdiction powers and authorities in the same counties respectively, as the courts of common pleas and general sessions in the other counties of this State have in their respective counties.

Prisoners
to be con-
fined in
Albany
jail.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all courts and officers in the said counties of Rensselaer and Saratoga respectively, in all cases civil and criminal, to confine their prisoners in the gaol of the county of Albany, until gaols shall be provided in the same counties respectively. *Provided nevertheless* that nothing in this act contained shall be construed to effect any suit or action already commenced or that shall be commenced before the third Tuesday of May next, so as to work a wrong or prejudice to any of the parties therein, or to affect any criminal or other proceedings, on the part of the people of this State, but all such civil and criminal proceedings shall and may be proceeded to trial judgment and execution as if this act had never been passed.

Senate
districts.

And be it further enacted by the authority aforesaid That this State shall be, and is hereby divided into four great districts. The southern district to comprehend the city and county of New York, and the counties of Suffolk, Queens, Kings, Richmond and Westchester; the middle district to comprehend the counties of Dutchess, Ulster and Orange; the western district to comprehend the city and county of Albany, and the counties of Saratoga, Montgomery and Ontario; and the eastern district to comprehend the counties of Columbia, Rensselaer Washington and Clinton. And that the number of senators to be chosen in the said districts shall be as follows: In the southern district eight; in the middle district six; in the western district five, and in the eastern district five. And that John Williams, Alexander Webster, Edward Savage and Peter Van Ness shall be considered as senators from the said eastern district, and as they respectively go out of office, senators shall be chosen in the said eastern district in their places respectively, and at the next annual election, another senator shall be chosen in the said eastern district in the room of Samuel Townsend deceased. And Stephen Van Rensselaer, Peter Schuyler, Volkert P. Douw, Leonard Gansevoort and Jellis Fonda, shall be considered as senators from the said western district, and as they respectively go out of office, senators shall be chosen in the said western district in their places respectively; and that no person shall be chosen in the southern district in the room of the said Samuel Townsend deceased; and the clerk of the Senate is hereby directed to give notices of the elections accordingly.

Apportion-
ment of
assembly-
men.

And be it further enacted by the authority aforesaid, That the number of members of the assembly, to be chosen in each county of this State shall be as follows; in the city and county of New York, seven; in Suffolk county, four; in Queens county, three; in Kings county, one; in Richmond county, one; in Westchester county, five; in Dutchess county, seven; in Ulster county, five; in Orange county, three; in Columbia county, six; in the county of Rensselaer, five; in the county of Washington, four; in the city and county of Albany, seven; in the

county of Saratoga, four; in the county of Montgomery, seven; and in the county of Ontario, one.

And be it further enacted by the authority aforesaid, That until further legislative provision be made in the premises, it shall be lawful for the freeholders and inhabitants of the county of Clinton, entitled to vote for members of assembly to join their votes with those to be given in the county of Washington; and the clerk of the county of Clinton, shall upon receiving the ballots given at any election for members of assembly, transmit the same to the clerk of the county of Washington; and the same shall be canvassed and estimated together with and by the same persons, who shall canvass and estimate the votes taken at the same election in the county of Washington.

Clinton county to vote with Washington for assemblymen.

CHAP. 5.

AN ACT to amend an act entitled An act for regulating elections.

PASSED the 10th of February, 1791.

WHEREAS the mode for determining when at any election a senator is to be chosen in the room of one dead or removed from office, which of the persons chosen for senator at such election, is elected in the room of the person deceased or removed from office, prescribed in and by the act entitled "An act for regulating elections" is found to be productive of ill-conveniences: Therefore

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when a senator is to be chosen at any election in the room of one dead or removed from office, it shall not be necessary for any elector to designate on his ballot, who he votes for as senator in the room of the person deceased or removed from office; and it is hereby declared that the person who has the greatest number of votes for a senator at any election for senators, shall be considered as elected for the longest time, and so on until each vacancy is filled, without regarding any designation, or the order of placing the names of the persons voted for, upon any of the ballots taken at such election.

Election of senators to fill vacancies.

And be it further enacted by the authority aforesaid, That if in any case two or more ballots or tickets shall be found folded or rolled up together, none of the ballots so folded or rolled up together shall be estimated.

Where ballots folded together.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, for the inspectors of any election for governor lieutenant governor representatives to congress, senators or members of assembly, to hold the poll at such place or places in any town or city within this State, as to them may appear most convenient for the electors, they inserting in the notices to be given of such election the places where and the times when such elections are to be held.

Places where polls to be held.

CHAP. 6.

AN ACT to abolish the January term of the courts of common pleas and general sessions of the peace in and for Richmond county

PASSED the 10th of February, 1791.

Richmond
county,
terms of
court
altered.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the fourth Monday of September next the January term of the courts of common pleas and general sessions of the peace in and for Richmond county shall be and hereby is abolished; and that at the end of the term of the courts of common pleas and general sessions of the peace to be held, in and for Richmond county on the fourth Monday in September in every year hereafter, or as soon as the due administration of justice will admit in each September term, the said courts shall be adjourned to the first Monday in May then next.

CHAP. 7.

AN ACT to amend an act entitled "An act for the partition of lands."

PASSED the 10th of February, 1791

Judges to
act with
commis-
sioners to
see ballot-
ing on par-
tition of
lands.

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That it shall and may be lawful for commissioners who have been or hereafter shall be appointed by virtue of the act aforesaid, or a major part of them, to make, and subscribe a notice in writing to a judge or judges as required in and by the third section thereof; and that on failure of the attendance of such judge or judges so notified, it shall and may be lawful for some other judge or judges, either of the supreme court, or court of common pleas for the county, where the greatest part of the land lieth, not interested in the division, to see the balloting justly and impartially performed; and that a majority of the commissioners and a judge attending, and performing the balloting aforesaid, in manner directed by the said act, shall be as effectual in law, as tho' the judge or judges first notified, had attended.

Section of
act ex-
tended.

And be it further enacted by the authority aforesaid, That the sixth section of the said act shall be and hereby is extended as well to improvements made after the passing of the said act, as to improvements theretofore made,

CHAP. 8.

AN ACT to repeal the act entitled "An act for regulating sales on execution," so far as respects goods and chattels, and providing for the payment of advertisements on sales of real estates.

PASSED the 10th of February, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That such parts of the act entitled "An act to regulate sales on execution," as relate to advertisements on sales of goods and chattels, shall be and the same are hereby repealed. Parts of act recited repealed.

And be it further enacted by the authority aforesaid, That each and every sheriff in this State shall be entitled to receive on every sale of lands and tenements made by him, in pursuance of the act aforesaid, in addition to his poundage, the sum of fifteen shillings as a compensation for advertising, and to recover the same in like manner with his poundage; and that whenever the execution on which such advertisements are made is settled previous to the day of sale, and after the advertisements have been duly made, the sheriff shall be entitled to receive seven shillings and six pence as a compensation therefor, and to recover the same as aforesaid; *Provided nevertheless,* That no further sum shall be recovered for continuing the advertisement after six weeks. Fees of sheriffs.

CHAP. 9.

AN ACT for the preservation of heath hens and other game.

PASSED the 15th of February, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if any person or persons shall kill any heath hen within the county of Suffolk or Queens, or shall kill any partridge quail or woodcock within the county of Queens or Kings, or within the city and county of New York, within the times herein after mentioned, that is to say, with respect to heath hens, partridge and quail between the first day of April and the fifth day of October, and with respect to woodcock between the twentieth day of February, and the first day of July, in any year after the passing of this act, (including nevertheless the present year) every such person or persons, shall for every such offence forfeit and pay the following sums, that is to say, for every heath hen or partridge so killed, the sum of twenty shillings, and for every quail or woodcock so killed as aforesaid, the sum of five shillings, to be recovered with costs of suit, by any person or persons who shall sue for the same, before any justice of the peace, in either of the said counties, who is hereby authorized and directed to hear and determine the same; the one half of which forfeiture when recovered shall be paid to the person or persons who shall sue for the same, and the other half to the overseers of the poor, where the conviction shall be had; and if any heath hen partridge quail or woodcock so killed as aforesaid, shall be found in the possession of any person or persons, such person or persons shall be deemed guilty of the offence, and suffer the penalty aforesaid. Heath hens, partridge, quail and woodcock in Queens, Kings, New York and Suffolk counties, regulating killing of.

Provided always, That no person or persons shall be convicted upon this act, unless the suit shall be commenced within three months after the offence committed.

Former
acts re-
pealed.

And be it further enacted by the authority aforesaid, That all former acts and laws concerning heath hens, shall be, and hereby are repealed.

CHAP. 10.

AN ACT for dividing the county of Montgomery.

PASSED the 16th of February, 1791.

Montgom-
ery county
divided;
Tioga
county
erected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all that tract of land in the county of Montgomery, beginning at the eighty two mile stone, in the line between this State and the Commonwealth of Pennsylvania, and running from thence due north until the north west corner of the township number twenty one in the military tract bears east, then east crossing the Seneca lake to the Cayuga lake, then easterly to the north west corner of township number twenty three in the military tract aforesaid, then east along the north bounds of the said township number twenty three, and the north bounds of the townships number twenty four and twenty five, and so continuing the same course to the west bounds of the twenty townships lately laid out for sale by this State, then along the same twenty townships north to the north west corner of the township number twelve in the said twenty townships, then east to the Unadilla river, then down the middle of the westerly stream of the same river to its junction with the Susquehannah river, then southerly along the line commonly called the line of property to the Delaware river, then down the Delaware river to the beginning of the said partition line between this State and the Commonwealth of Pennsylvania, and then along the same partition line to the place of beginning, shall be and hereby is erected into a separate county, and shall be called and known by the name of Tioga.

Part an-
nexed to
Ontario
county.

And be it further enacted by the authority aforesaid, That all that tract of land to the northward of the said county of Tioga, and west of the Seneca lake and the military lands shall be and is hereby annexed to the county of Ontario.

Otsego
county
erected.

And be it further enacted by the authority aforesaid, That all that tract of land in the said county of Montgomery, beginning at the southwest corner of the town of Mohawk and running thence westerly to the southeast corner of a tract of land formerly granted to William Cosby, and then westerly along the same, and along a tract of land formerly granted to Frederick Morris and a tract of land formerly granted to John Lyne to the southwest corner thereof, then westerly to the northeast corner of a tract of land formerly granted to John Groesbeck called Springfield, then along the north bounds thereof and the same line continued to the town of German Flatts, then southerly along the east bounds of the town of German Flatts to the southerly bounds of a tract of land formerly granted to Theobald Young, then along the southerly bounds thereof northwesterly to a tract of land formerly granted to William Bayard and others called the Free Masons Patent, then southerly and westerly along the same to the Unadilla river, then down the same river and along the said county of Tioga to the Delaware river to

the county of Ulster, and then northerly along the counties of Ulster and Albany to the place of beginning shall be and hereby is erected into a separate county, and shall be called and known by the name of Otsego.

And be it further enacted by the authority aforesaid, That all that part of the said county of Montgomery, beginning at the southeast corner of the town of Mohawk and running from thence along the southerly bounds thereof, and along the northerly bounds of the said county of Otsego to the town of German Flatts, then northerly along the town of German Flatts and the town of Herkemer to a tract of land called Jersey Field, then along the same southeasterly and northeasterly to the easterly corner thereof, then due east to the county of Saratoga, and then southerly along the counties of Saratoga and Albany to the place of beginning shall continue and remain a separate county and be called and known by the name of Montgomery. Montgomery county, bounds of.

And be it further enacted by the authority aforesaid, That all that tract of land, bounded westerly by the county of Ontario, northerly by the north bounds of this State, easterly by the counties of Clinton, Washington and Saratoga, and southerly by the counties of Montgomery, Otsego and Tioga, shall be and hereby is erected into a separate county, and shall be called and known by the name of Herkemer. Herkimer county erected.

And be it further enacted by the authority aforesaid, That all that part of the town of Conajoharie which is included in the said county of Otsego shall be and hereby is erected into a town by the name of Cherry Valley, and the first town meeting in the said town of Cherry Valley shall be held at the house of Benjamin Griffin. Cherry Valley, town erected.

And be it further enacted by the authority aforesaid, That all that part of the town of German Flatts, which is included in the said county of Otsego shall be and hereby is annexed to the town of Otsego in the same county. Part of German Flatts annexed to Otsego.

And be it further enacted by the authority aforesaid, That all those parts of the towns of Palatine and Caughnawaga which are included in the said county of Herkemer shall be, and hereby are annexed to the town of Herkemer in the same county. Part of two towns annexed to Herkimer.

And be it further enacted by the authority aforesaid, That all that part of the said county of Tioga, laying westward of the Cayuta creek and the township number twenty two in the military tract shall be and hereby is erected into a town by the name of Chemung; and the first town-meeting in the same town shall be held at the house of George Hornwell. And that all that part of the said county of Tioga, bounded southerly by Pennsylvania, westerly by the town of Chemung as last limited, northerly by the north bounds of the same county of Tioga, and easterly by township number twenty four in the military tract, and the Owego river and a line running from the mouth thereof south to the Pennsylvania line, shall be and hereby is erected into a town by the name of Owego; and the first town meeting in the same town shall be held at the house of Samuel Ransom. And that all that part of the said county of Tioga, bounded southerly by Pennsylvania, westerly by the said town of Owego, northerly by the north bounds of the said county of Tioga, and easterly by the rivers Chenango and Susquehanna, shall be and hereby is erected into a town by the name of Union; and the first town-meeting in the same town shall be held at the house of Nehemiah Spalding. And that all that part of the said county of Tioga, bounded southerly by the tract of land called Chenango, and the tract of land called Warren, westerly by the said town of Union, northerly by the north-bounds of the said county of Tioga, and easterly by the county of Otsego, shall be and hereby is erected into a town by the name of Jerico; Towns in Tioga county.

and the first town meeting in the same town shall be held at the house of William Guthrie. And that all the remaining part of the said county of Tioga, bounded southerly by Pennsylvania, westerly by the said town of Union, northerly by the said town of Jerico, and easterly by the counties of Otsego and Ulster, shall be and hereby is erected into a town by the name of Chenango; and the first town meeting in the same town shall be held at the house of Benjamin Bird.

Powers,
etc., of
freeholders
of towns.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the several towns erected by this act, shall be and hereby are empowered to hold town meetings and elect such town officers, as the freeholders and inhabitants of any town in this State may do by law. And that the freeholders & inhabitants of the said several towns and the town officers to be by them elected respectively, shall have the like powers and privileges as the freeholders, inhabitants and town officers of any other town in this State.

Courts in
Otsego,
Tioga and
Herkimer
counties.

And be it further enacted by the authority aforesaid, That there shall be held in and for each of the said counties of Otsego, Tioga and Herkimer respectively, a court of common pleas and a court of general sessions of the peace, and that there shall be two terms of the same courts in each of the said counties respectively in every year, to commence and end as follows, that is to say, the first term of the said courts in the said county of Otsego, shall begin on the third Tuesday of June, and may continue to be held until the Saturday following inclusive; and the second term of the same courts in the said county of Otsego, shall begin on the second Tuesday of January, and may continue to be held until the Saturday following inclusive; and that the first term of the said courts in the said county of Herkimer shall begin on the first Tuesday of June, and may continue to be held until the Saturday following inclusive; and the second term of the said courts in the said county of Herkimer, shall begin on the third Tuesday of January and may continue to be held until the Saturday following inclusive. And that the first term of the said courts in the said county of Tioga, shall begin on the fourth Tuesday of June and may continue to be held until the Saturday following inclusive; and the second term of the said courts in the said county of Tioga, shall begin on the fourth Tuesday of January and may continue to be held until the Saturday following inclusive. And the said courts of common pleas and general sessions of the peace shall have the same jurisdiction powers and authorities in the same counties respectively, as the courts of common pleas and general sessions of the peace in the other counties of this State have in their respective counties: *Provided always,* that nothing in this act contained shall be construed to affect any suit or action already commenced or that shall be commenced before the first Tuesday of June next, so as to work a wrong, or prejudice to any of the parties therein, or to affect any criminal or other proceedings on the part of the people of this State, but all such civil and criminal proceedings shall and may be prosecuted to trial judgment and execution as if this act had never been passed.

Where
courts to
be held.

And be it further enacted by the authority aforesaid, That until other legislative provision be made in the premises, the said courts of common pleas and general sessions of the peace in the county of Tioga, shall be held at the house of George Hornwell in Chemung. And that the said courts of common pleas and general sessions of the peace in the said county of Otsego, shall be held at the house of William Ellison in the town of Otsego. And that the said courts of common pleas and general sessions of the peace in the said county of Herkimer, shall be held at the church in the town of Herkimer.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the said several counties hereby erected shall have and enjoy within the same respectively, all and every the same rights powers and privileges, as the freeholders and inhabitants of any other county in this State are by law entitled to have and enjoy.

Powers,
etc., of
freehold-
ers of
counties.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for all courts and officers of the said several counties of Otsego, Tioga and Herkemer respectively, in all cases civil and criminal to confine their prisoners in the gaol of the county of Montgomery, until gaols shall be provided in the same counties respectively.

Prisoners
to be con-
fined in
Montgom-
ery jail.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the freeholders and inhabitants of each of the said counties of Otsego Tioga and Herkemer respectively, to build and erect a court house and gaol in the same respectively, at such place as the judges and justices, to be appointed for the same county, and the supervisors of the towns therein, or the major part of the same judges, justices and supervisors may direct and appoint.

Court-
houses and
jails to be
erected.

And whereas by the act entitled "An act for apportioning the representation in the legislature according to the rule prescribed by the Constitution and for dividing the county of Albany," passed in the present session of the legislature, it is provided, that the number of members of the assembly to be chosen in the then county of Montgomery should be seven. *And whereas* in consequence of a division of the same county by this act, it is necessary, that there should be an apportionment of the said representation among the counties hereby erected. Therefore

Be it further enacted by the authority aforesaid, That there shall be chosen in the county of Montgomery as limited by this act, four members of the assembly and no more; in the said county of Otsego, one; in the said county of Herkemer, one; and in the said county of Tioga, one; any thing in any former law to the contrary notwithstanding.

Assembly-
men, ap-
portion-
ment of.

And be it further enacted by the authority aforesaid, That it shall not be the duty of the justice of the supreme court to hold a circuit court once in every year in either of the said counties of Otsego, Tioga or Herkemer, unless in their judgment they shall deem it proper and necessary, any law to the contrary notwithstanding.

Supreme
court,
terms to be
held in dis-
cretion of
court.

And be it further enacted by the authority aforesaid, That the said counties of Otsego, Tioga or Herkemer shall remain and be considered part of the western district of this State.

New coun-
ties in
western
district.

CHAP. 11.

AN ACT for the relief of Henry G. Livingston and others.

PASSED the 21st of February, 1791.

WHEREAS it hath been represented to the legislature of this State, on the part of the executors of Robert G. Livingston deceased, that the said Robert G. Livingston deceased, did, on the twenty first day of June in the year of our Lord one thousand seven hundred and eighty five, deposit the sum of three thousand seventy six pounds, eight shillings and four pence, in certificates of the United States commonly called Barbers notes, with the treasurer of this State, for the purpose of discharging a certain bond or obligation executed by the said Robert G. Livingston and Samuel Hake, to John Watts senior, late of the city of

Preamble.

New York, which bond being theretofore assigned by the said John Watts senior, is now ordered, by a decree of the court of chancery of this State, to be discharged by the executors of the said Robert G. Livingston. *And whereas* justice requires, that the said certificates should be restored to the executors of the said Robert G. Livingston deceased, therefore,

Certificates
to be deliv-
ered to ex-
ecutors of
Robert G.
Livingston

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State, shall deliver to the executors of the said Robert G. Livingston, or to their order, the said sum of three thousand seventy six pounds eight shillings and four pence, so deposited with him as aforesaid, in certificates of the United States, issued by William Barber, together with the interest that has accrued thereon from the said twenty first day of June, in the year of our Lord, one thousand seven hundred and eighty five.

And whereas Henry Livingston junior, heretofore one of the commissioners of sequestration for the county of Dutchess, hath lately been prosecuted in the supreme court of this State, in an action of trover and conversion, brought by Joseph S. Mabbett, administrator of the goods and chattels, rights and credits which were of Samuel Mabbett deceased, for certain personal property which did belong to the said Samuel Mabbett deceased, and was sold by the said Henry Livingston junior and another of the said commissioners, in which action, a verdict was given in favor of the said Henry Livingston junior. *And whereas* the said Henry Livingston junior, was put to considerable expence and trouble in defence of the said cause, and can have no costs taxed against the said plaintiff therein, and it being reasonable that the legislature should make him compensation.

Appropriation
to
Henry Liv-
ingston, jr.

Be it therefore further enacted by the authority aforesaid, That the treasurer of this State, shall pay to the said Henry Livingston junior, for his loss of time and trouble in defending the said suit, the sum of fifty pounds; and also such further sum, as shall be taxed or certified against the said Henry Livingston junior, for the costs of the said suit.

And whereas Herman Hoffman and Egbert Benson, by their petition to the legislature of this State, have prayed to be indemnified against the costs and damages which have accrued to them, by means of a prosecution and judgment thereupon had against them, in the State of Connecticut, by reason of acts done by them as members of the late committee of Rhinebeck,

Appropriation
to
Herman
Hoffman
and Egbert
Benson.

Be it therefore further enacted by the authority aforesaid, That the treasurer of this State, for the time being, be, and he is hereby authorized and required, out of any monies in the treasury not otherwise appropriated, to pay to the said Herman Hoffman and Egbert Benson, the sum of three hundred and forty nine pounds and twelve shillings, being the amount of the sum recovered against them, and their costs and expences, as appears by their account; and the treasurer is hereby directed to charge the said sum to the United States.

And whereas it also appears to the legislature, that the sum of nine hundred and nine pounds in public securities, hath been paid into the treasury of this State, on the eleventh day of November one thousand seven hundred and eighty four, by John Carpenter of the county of Orange, in discharge of a certain mortgage given by the said John Carpenter to James Jauncey late of the city of New York. *And whereas* the said mortgage, hath since been legally discharged by Lucus Elmen-dorph, junior, by certain public securities by him paid into the treasury of this State, on the thirtieth day of April, one thousand seven hun-

dred and eighty seven, amounting to seven hundred and fifty three pounds. *And whereas* justice requires that the aforesaid certificates, so paid as aforesaid, by the said John Carpenter, should be restored to him, therefore,

Be it further enacted by the authority aforesaid, That the treasurer of this State, shall deliver to the said John Carpenter, or his order, the aforesaid sum of nine hundred and nine pounds, principal and interest, so deposited with him as aforesaid, in public securities, as nearly as may be, and in the same proportion as to principal and interest, as the same were deposited with him, together with the interest that has accrued thereon from the said eleventh day of November one thousand seven hundred and eighty four.

Certificate to be delivered to John Carpenter,

CHAP. 12.

AN ACT to explain and amend an act entitled "An act for the more speedy recovery of debts to the value of ten pounds."

PASSED the 21st of February, 1791.

WHEREAS in and by the twentieth section of the act entitled "An act for the more speedy recovery of debts to the value of ten pounds" it is enacted, that it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment for the time being, by commission under the great seal, from time to time to constitute and appoint such and so many proper persons in the city and county of New York as they may think necessary, to hear, try and determine causes in the said city and county by virtue of the said act, by the name of assistant justices, and each and every of the persons so constituted and appointed, are thereby vested with the like and the same power and authority in the same city and county, with respect to hearing trying and determining causes of the value of ten pounds and under, as are given to or vested in the justices of the peace in the several counties of this State by virtue of the said act. Preamble.

And whereas, doubts have arisen, whether the aldermen of the city of New York in virtue of their being justices of the peace of the said city of New York by the charter of the said city, are justices of the peace within the meaning and intention of the said act, and have thereby power and authority to hear try and determine causes to the value of ten pounds and under by force of the same. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the fourteenth day of October next, it shall not be lawful for any person being an alderman of the said city of New York, in virtue of his office as an alderman or as a justice of the peace of the said city, to hear try and determine causes to the value of ten pounds and under by virtue of the said act entitled "An act for the more speedy recovery of debts to the value of ten pounds."

Aldermen of New York city not to act as justices of the peace.

And be it further enacted by the authority aforesaid, That from and after the eleventh day of October next, no person being an alderman of the city of Albany shall hear try or determine causes to the value of ten pounds or under by virtue of the said act entitled "An act for the more speedy recovery of debts to the value of ten pounds."

Id.; Albany

CHAP. 13.

AN ACT for the relief of the Indians residing in Brothertown and New Stockbridge.

PASSED the 21ST of February, 1791.

Brother-
town and
Stock-
bridge In-
dians,
election of
clerk.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians residing in Brothertown and New Stockbridge above the age of twenty one years, on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, to meet together and by plurality of votes, to choose a clerk, whose business it shall be to preside and keep order at the said meetings, and to enter in a book such of the proceedings of the said meetings, as are by this act directed.

Election of
marshal.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, to choose annually a person to be called a marshal, whose business shall be to execute the orders of the trustees hereafter to be chosen.

Election of
trustees.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, to choose annually three persons as trustees, to lay out such part of the lands in Brothertown or New Stockbridge for the separate improvement of the several families of Indians residing in Brothertown as shall be deemed necessary by the said trustees so to be chosen.

Lands to
be laid out
for sepa-
rate fami-
lies.

And be it further enacted by the authority aforesaid, That the said trustees shall lay out for each family, a sufficient quantity of land for a separate improvement and shall cause the bonds of each improvement to be properly marked and distinguished, and the description thereof to be entered in the clerks book.

Entry in
clerk's
book to be
proof of
title.

And be it further enacted by the authority aforesaid, That every person having a separate improvement, so laid out to him by the said trustees, and entered in the said clerks book, the same shall remain to such person and his family for improvement, and shall enable such person to maintain an action for any trespass which may be committed by any white person or persons on the lands so laid out to him or her for improvement in any court having cognizance of the same.

Power of
leasing
lands for
church and
school
purposes.

And be it further enacted by the authority aforesaid, That the said trustees so to be chosen, by and with the consent of the mayor of the city of Albany for the time being shall have liberty to lease out to any person or persons such quantity of the undivided lands in Brothertown or New Stockbridge (and not laid out for improvement as aforesaid) as a majority of the votes at the said meeting shall agree on not exceeding six hundred and forty acres, for any term not exceeding twenty one years, for the use of the inhabitants of Brothertown and New-Stockbridge the rents reserved to be applied by the said trustees and their successors for the maintaining a minister and free school for the instruction of Indians, which said leases shall be recorded in the clerks book.

Trustees
may bring
actions of
trespass
against
white in-
truders.

And be it further enacted by the authority aforesaid, That the said trustees and their successors are hereby authorised and empowered to bring actions for any trespass committed by any white person on any of the undivided lands in Brothertown or New Stockbridge and not laid out for improvement or leased for the use of a minister and school as aforesaid.

And be it further enacted by the authority aforesaid, That it shall and may be lawful on complaint of any Indian against another Indian or Indians (of a trespass debt, or other matter or thing, cognizable before a justice of the peace) to them the said trustees, for the said trustees by an order directed to the said marshal, to cause the parties to come before them with their witnesses, at such time and place as they shall appoint, and after hearing the parties and their witnesses, shall give such judgment as to them shall be deemed just and equitable. *Provided* the judgment in no one cause shall exceed twenty shillings, and shall enter the same judgment in the clerks book.

Litigation
between
Indians,
how dis-
posed of.

And be it further enacted by the authority aforesaid, That if such judgment shall not be satisfied in forty days after the same is given, the said trustees shall order the said marshal to levy the amount thereof on the goods of the person against whom the judgment shall be so obtained, to be delivered to the person in whose favour the judgment was given the said goods first to be appraised by the said trustees, and the overplus (if any) after satisfying such judgment, to be returned to the person from whom they were taken.

Judgment,
how pay-
ment of
enforced.

And be it further enacted by the authority aforesaid, That any two of the said trustees shall be a quorum, to transact any business enjoined on them by this act.

Quorum of
trustees.

And be it further enacted by the authority aforesaid, That the act entitled "An act more effectually to protect certain tribes of Indians residing within this State, from frauds" passed 22d March 1790," be and the same is hereby extended to the Indians residing in Brothertown, and the Indians called the Stockbridge Indians.

Act recited
extended.

CHAP. 14.

AN ACT to enable the mayor, aldermen and commonalty of the city of Albany, to raise a sum of money by tax, for the establishment and support of a night watch.

PASSED the 21st of February, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of Albany, in common council, as soon as conveniently may be after the passing of this act, to order the raising the sum of three hundred and fifty pounds, by a tax on the estates real and personal of all and every the freeholders and inhabitants within the said city, within half a mile of Hudsons river, and on the north side of a west line drawn from Hudsons river, at the north corner of a tract of land commonly called the Dutch church pasture; to be applied to the payment of so many watchmen, as the said mayor, aldermen and commonalty, have employed, or shall think necessary to employ, for guarding the said city, for one year; which said sum shall be rated and assessed by the assessors of the said city for the time being, and levied and collected in the same manner, as hath heretofore been accustomed, within the said city, for levying and collecting the tax for maintenance of the poor, and other contingent charges within the said city; and that the tax shall be paid into the hands of the chamberlain, of the said city, for the time being, to be applied and disposed of from time to time, in such manner

Tax levy in
Albany
city for a
night
watch.

and proportions, for the purposes herein before mentioned, as the said mayor, aldermen and commonalty of the said city, in common council, shall direct and appoint.

CHAP. 15.

AN ACT to annex the town of Morrissania to the town of West Chester.

PASSED the 22d of February, 1791.

Morrissania
annexed to
town of
West-
chester.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all that part of the county of West Chester, commonly known by the name of the town of Morrissania, shall be annexed to, and considered as part of the town of West-Chester, any law to the contrary notwithstanding.

Proviso as
to arrears
of taxes.

Provided, That all arrears of taxes, that shall be due and unpaid by the town of Morrissania, at the time of passing this act, and all cost that has accrued in consequence of such arrears, shall be assessed on, and collected from the freeholders and inhabitants of that part of the town of West Chester, which, before the passing of this act, was called Morrissania.

CHAP. 16.

AN ACT for the relief of the creditors of this State.

PASSED the 23d of February, 1791.

Preamble.

WHEREAS the provision for the debts of the respective States by the Congress of the United States, renders it essential to the interest of this State, that its creditors should subscribe to the loan proposed by Congress, and justice requires, that a full compensation be made by this State to the said creditors for any injury they may sustain thereby. Therefore,

Subscrip-
tions to
United
States loan

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it be proposed to the creditors of this State, to subscribe to the loan proposed by the Congress of the United States, by an act of the said Congress, entitled "An act making provision for the debt of the United States." And it is hereby declared that this State will receive from the said creditors, who shall subscribe to the said loan, all certificates bearing an interest of six per cent, after the year eighteen hundred, which the said creditors shall become entitled to by such subscription, and in exchange for the same, there shall be paid by this State, to the said respective creditors, a compensation in stock created under the said act of Congress, bearing an immediate interest of six per cent, to the full amount of the principal sums mentioned in such certificates.

And in order to establish a fund for making the said payments to the subscribing creditors

Subscrip-
tion by
State treas-
urer.

Be it further enacted by the authority aforesaid, That the treasurer of this State shall subscribe to the said loan under the act of Congress aforesaid, in his own name, all the continental paper now in the treasury

of this State, and deposit the certificates he shall receive for the same, from the Continental commissioner, in the treasury of this State.

And be it further enacted by the authority aforesaid, That when any creditor or creditors of this State, who shall subscribe to the said loan, shall produce to the said treasurer any certificate granted by the said commissioner, bearing an interest of six per cent after the year eighteen hundred, and shall assign and transfer the said certificates, and the stock mentioned therein to the said treasurer in due form of law, it shall be lawful for the said treasurer and he is hereby directed after the first day of January next to transfer to such creditor or creditors in exchange for the same, so much of the stock he shall hold as treasurer for this State, bearing an immediate interest of six per cent, as shall amount to the principal sums mentioned in such certificates: *Provided always,* that the said treasurer shall make no such transfer, until he be satisfied that the certificates so produced by any creditor, shall have been received from the said commissioner, on loans subscribed in certificates issued by this State.

Exchange of certificates granted by Continental commissioners.

And whereas certain certificates were issued by the treasurer of this State, in pursuance of an act entitled "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned" bearing an interest of six per cent per annum, and which by the same act are made receivable in payment of all future State taxes, equal with gold or silver.—*And whereas* it is not only just but expedient that all such certificates should be immediately taken out of circulation. Therefore

Be it further enacted by the authority aforesaid, That the treasurer of this State shall also receive all such certificates issued in pursuance of the said act, which shall be offered to him, and in lieu thereof transfer to the bearer thereof a sum equal to the full amount of the money due on the same, in the stock created under the aforesaid act of Congress, bearing an immediate interest of six per cent, in full discharge of such last described certificates.

Exchange of certificates issued under act for sale of forfeited estates.

And be it further enacted by the authority aforesaid, That the said treasurer shall hold the stock he shall so subscribe, and all such stock as shall be transferred to him by the creditors of this State as aforesaid, in trust for this State; and shall from time to time receive the interest to become due on all such stock as he may hold in trust for this State for the use of this State; and shall also from time to time, dispose of, manage and apply, the said stock, in such manner as the legislature of this State shall direct.

Duty of treasurer as to stock held by him.

And whereas some of the creditors of this State may be possessed of certificates which may not be received on loan by the United States, and there may be a greater sum subscribed by the creditors of this State, than the amount of the debts of this State, assumed by the United States; and it being just and reasonable that all the creditors of this State should have equal justice dispensed to them. Therefore,

Be it further enacted by the authority aforesaid, That every creditor of this State who may be possessed of any certificates of this State, which being tendered shall not be received on loan by the United States; or if a sum to a greater amount than one million and two hundred thousand dollars shall be subscribed on loan by the creditors of this State, in certificates issued by this State, then and in either of those cases, the said treasurer of this State, is hereby directed after the first day of January next, to discharge such certificates and surpluses, by a transfer of stock created by the aforesaid act of Congress, so that

Discharge of certificates by transfer of stock.

the State creditors may have a capital or provision equal to that herein before provided, that is to say, two thirds of the amount of their demands in stock bearing an interest of six per cent, and the remaining third in stock bearing an interest of three per cent,

CHAP. 17.

AN ACT to vest the real and personal estate of Benjamin French, late of the county of Albany, deceased, in trustees for the purposes therein mentioned.

PASSED the 23d of February, 1791.

Preamble. WHEREAS all the real and personal estate of Benjamin French, late of the county of Albany, is become forfeited to the people of this State, by the conviction of the said Benjamin French, now deceased. *And whereas* the said Benjamin French, was indebted to Charles McEvers and sundry other persons, in divers sums of money; and Gulian Verplanck, Daniel C. Verplanck and William Laight, assignees of the said Charles McEvers, have represented to the legislature, that there are debts due, and other property belonging to the estate of the said Benjamin French, which have not been discovered by the commissioners of forfeitures; and prayed that the same may be vested in trustees, to be recovered and applied to the discharge of the debts owing by the said Benjamin French; therefore.

Forfeited
estate of
Benjamin
French
vested in
trustees.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the real and personal estate, debts and sums of money whatsoever, belonging, due and owing to the said Benjamin French, at the time to which the forfeiture of his estate refers by his conviction, and not sold or recovered, by the commissioners of forfeitures, nor paid into the treasury, by the debtors, nor remitted by law; shall be, and hereby are vested in the said Gulian Verplanck, Daniel C. Verplanck and William Laight, their heirs, executors and administrators, in as full and ample a manner, as the same is now vested in the people of this State; in trust to sell and convey all such estate, and to prosecute, sue and recover, in their own names, all such debts and sums of money; and to apply the produce thereof in the first place, to pay the costs, charges and expences of such sale and recovery, and the residue thereof, towards the payment of such debts, owing by the said Benjamin French, as have been duly proved and certified to the treasurer, conformably to the law in that case provided, in proportion to the amount of the said debts; and if any surplus remains after the payment of such debts, to pay the same to the treasurer of this State.

Dividend
of estate to
be paid.

And be it further enacted by the authority aforesaid, That the treasurer of this State, be, and he is hereby directed to deliver to the said Gulian Verplanck, Daniel C. Verplanck and William Laight, a certificate for the amount of their dividend from the forfeited estate of the said Benjamin French.

CHAP. 18.

AN ACT for altering the wards in the city of New York.

PASSED the 28th of February, 1791.

WHEREAS some of the wards in the city of New York, are large and populous, and others are very small, and the bounds of some of them are difficult if not impossible to be ascertained, so that alterations therein are become necessary. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, New York city, boundaries of wards in.
That from and after the twenty eighth day of September next, the said city of New York, shall be, and hereby is divided into seven wards in the manner following, that is to say; the first ward shall begin in the middle of Nassau street at the place where it is intersected by the middle of Little Queen street, and run from the said point of intersection along the middle of Nassau street to the middle of Wall street, and then south east to the middle of Broad street, and then along the middle of Broad street to the middle of Dock street, and then easterly along the middle of Dock street to a place opposite to the middle of the street leading along the east side of the exchange, and then along the middle of the last mentioned street, to the East river, and then due south to low water mark on Nassau island, and then along Nassau island shore, at low water mark, unto the south side of Red Hook, and then across the North river, so as to include Nutton island, Bedlows-island, Bucking island and the Oyster islands, to low water mark on the west side of Hudsons river, or so far as the bounds of this State extend there, and so up along the west side of Hudsons river at low water mark, or along the limits of this State, to a place due west from the middle of the west end of Little Queen street, then due east to the middle of Little Queen street, and then along the middle of Little Queen street, to the place of beginning; and shall be called the first ward.

The second ward shall begin at the south easterly corner of the first ward, and run along the easterly bounds thereof, and so continue along the middle of Nassau street, to the middle of Crown street, and then along the middle of Crown street to Maiden Lane, and then along the middle of Maiden Lane to and across Queen street, to the middle of the street on the easterly side of the Fly Market, and then along the middle of the last mentioned street, to the East river, and then continuing the same course across the East river to low water mark on Nassau island, and then along Nassau island shore at low water mark, to the place of beginning; and shall be called the second ward.

The third ward shall begin at the south easterly corner of the second ward, and run along the easterly bounds thereof, to the middle of Nassau street, and then along the middle of Nassau street to a place opposite to the middle of George street, and then along the middle of George street to the middle of Gold street, and then along the middle of Gold street to the middle of Ferry street, and then along the middle of Ferry street to and across Queen street and then along the middle of the street on the east side of Peck Slip Market to the East river, and then continuing the same course across the East river, to low water mark on Nassau island, and then along Nassau-island shore, at low water mark, to the place of beginning; and shall be called the third ward.

Fourth ward.

The fourth ward shall begin at the northerly corner of the third ward, and run along the middle of Nassau street to a place opposite to the middle of Murray street, and then to and along the middle of Murray street, to Hudsons river, and then continuing the same course across Hudsons river to low water mark, on the west side thereof, or so far as the bounds of this State extend there, and so down along the west side of Hudsons river at low water mark, or along the limits of this State, to the bounds of the first ward, and then easterly along the same to the bounds of the second ward, and then northerly along the bounds of the second and third wards, to the place of beginning; and shall be called the fourth ward.

Fifth ward.

The fifth ward shall begin at the northerly corner of the third ward, and run along the bounds of the fourth ward and the middle of Chat-ham street to a place opposite to the middle of Catharine street, and then to and along the middle of Catharine street to the East river, and then continuing the same course across the East river to low water mark on Nassau Island, and then along Nassau Island shore, at low water mark, to the bounds of the third ward, and then northerly along the same, to the place of beginning; and shall be called the fifth ward.

Sixth ward.

The sixth ward shall begin at the north westerly corner of the fourth ward, and run along the northerly bounds thereof to the fifth ward, and then along the bounds of the fifth ward and the middle of the Bowry lane to a place opposite to the middle of Bayard street, and then to and along the middle of Bayard street to the middle of Rynders street; and then along the middle of Rynders street to the middle of Hester street, and then along the middle of Hester street to the middle of Great George street, and then along the middle of Great George street to the middle of a stone arch, built across the stream running out of the fresh water pond, and then along the middle of the said stream of water to Hudsons river, and then due west to low water mark on the west side of Hudsons river, or so far as the bounds of this State extend there, and so down along the west side of Hudsons river at low water mark, or along the limits of this State to the place of beginning; and shall be called the sixth ward. And

Seventh ward.

The seventh ward shall include all the residue of the said city; and shall be called the seventh ward.

CHAP. 19.

AN ACT to empower the trustees of the Reformed Dutch Churches of Fish-Kill and Poughkeepsie, in the county of Dutchess, to sell a certain house and lot of land for the benefit of the said Churches.

PASSED the 28th of February, 1791.

Preamble.

WHEREAS the trustees of the First Reformed Dutch church of Fish Kill, and of the Reformed Dutch church of Poughkeepsie, in the county of Dutchess have by their petition to the legislature, prayed for leave to sell for the benefit of the said churches, a certain house and lot of land owned by them jointly, and lying in the town of Poughkeepsie aforesaid: And whereas the object of the said petition appears calculated to promote the interest of the said churches. Therefore,

Church named may sell a certain

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That full power, good right and lawful authority, shall be, and hereby is

granted to the trustees of the said churches, to sell and alienate in fee, all right and title belonging to the said churches, or in them as its trustees, to the said house and lot of land; or for the trustees of either of the said churches, to release in fee to the trustees of the other, all right and title belonging to their church, or in them as its trustees, to the said house and lot of land; and for the trustees of the church to which the release shall be made, to sell and alienate in fee the same, whenever they shall deem it for the interest of their church.

house and
lot in
Pough-
keepsie.

CHAP. 20.

AN ACT for determining differences by arbitration.

PASSED the 28th of February, 1791.

WHEREAS it hath been found by experience, that references made by rule of court, have contributed much to the ease of parties, in determining their differences, because the parties thereby become obliged, to submit to the award of the arbitrators, under the penalty of imprisonment for their contempt in case they refuse submission; now for promoting trade, and rendering the awards of arbitrators the more effectual in all cases, for the final determination of controversies referred to them by merchants and traders or others, concerning matters of account or trade, or other matters.

Preamble.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for all merchants and traders, and others, desiring to end any controversy suit or quarrel, controversies suits or quarrels for which there is no other remedy but by personal action or suit in equity, by arbitration, to agree, that their submission of their suit or controversy to the award or umpirage of any person or persons should be made a rule of any court of record in this State, which the parties shall choose, and to insert such their agreement in their submission, or the condition of the bond or promise whereby they oblige themselves respectively, to submit to the award or umpirage of any person or persons; which agreement being so made and inserted in their submission or promise or condition of their respective bonds, shall or may, upon producing an affidavit thereof made by the witnesses thereunto, or any one of them, in the court of which the same is agreed to be made a rule, and reading and filing the same affidavit in court, be entered of record in the same court; and a rule shall thereupon be made by the said court, that the parties shall submit to, and finally be concluded by, the arbitration or umpirage which shall be made concerning them, by the arbitrators or umpire pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party refusing or neglecting to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of court, when he is a suitor or defendant in such court, and the court on motion, shall issue process accordingly, which process, shall not be stopped or delayed in its execution, by any order, rule, command or process of any other court, either of law or equity, unless it shall be made appear on oath to such court, that the arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage, was procured by corruption, or other undue means.

Arbitration
of accounts
and dif-
ferences
between
merchants,
traders
and others.

Fourth
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LAWS OF NEW YORK.

220

Corruption
arbitration
declared
void.

That if it further enacted by the authority aforesaid, That any arbitration or umpirage, procured by corruption or undue means, shall be adjudged and esteemed void and of none effect, accordingly be set aside by any court of law or equity, so as complaint of such corruption or undue practice, be made in the court where the rule is made for submission, to such arbitration or umpirage, before the last day of the next term, after such arbitration or umpirage made and published to the parties.

CHAP. 21.

Fifth w

AN ACT for the relief of the devisees of John Bradstreet and Martha Bradstreet.

PASSED the 28th of February, 1791.

8

Preamble.

WHEREAS it appears to the legislature, that the gore or narrow piece of land mentioned in the act, entitled "An act for the partition of the lands therein mentioned, among the devisees of John Bradstreet and Martha Bradstreet, in the proportions directed by their respective wills, and for other purposes therein mentioned, is improperly described in the said act; and that the said gore or narrow piece of land is comprehended within the bounds and limits following, that is to say, beginning at three button wood trees and marked 1769 on the west side, the middle most cornered, and marked C. I. E. I. C, 1787, on the northwest side, and a heap of stones placed against it; the smallest cornered and marked C. I. E. I. C, 1786, on the east side; which trees stand on the south end of an island, in the mouth of large brook which comes from the north west, where it empties into the Delaware river, opposite to Cook House, and runs from thence along a line of marked trees, north, four degrees and forty seven minutes east, one thousand three hundred and nine chains, to the south west corner of a tract* of twenty eight thousand acres of land, granted to Sir William Johnson and others, at a stake, fourteen links south west from a soft maple tree, cornered and marked C I E. G B. I C 1787; thence along a line of trees, marked for the bounds of the last mentioned tract, east as the needle pointed in the year one thousand seven hundred and seventy, fifty two chains, and ninety eight links, to the north west corner of a tract of land granted to the heirs of General John Bradstreet; thence along the bounds thereof, being a line of trees marked by Simon Metcalfe, for the line of property, in the year one thousand seven hundred and sixty nine, as the needle then pointed, south, nine degrees west, one thousand three hundred and seventeen chains, to the place of beginning; containing three thousand seven hundred and fifty two acres of land. Therefore

Land de-
scribed to
be granted
by the
governor.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same That it shall and may be lawful for the governor of this State for the time being, by letters patent under the great seal of this State, to grant the said gore or narrow piece of land, as herein before described, to the same persons, and upon the same terms, as he might have granted the same, by the description contained in the above recited act; and that the said gore or narrow piece of land, shall be surveyed and divided, and the expences of the said division borne, in the manner mentioned

*So in original.

in the fourth fifth and sixth enacting clauses, of the said recited act, in like manner as if the said gore had been described in the said recited act, in the manner herein before specified.

CHAP. 22.

AN ACT for the collection of the arrears of taxes.

PASSED the 8th of March, 1791.

WHEREAS there are certain arrears of the taxes laid by the legislature since the first day of January in the year of our Lord one thousand seven hundred and eighty six yet remaining due and unpaid from the following counties in this State, that is to say, from the city and county of Albany the sum of one thousand eight hundred and thirty one pounds, thirteen shillings five pence and one half penny; from the county of Dutchess the sum of two thousand two hundred and eighty four pounds nine shillings and seven pence; from the county of Ulster the sum of one thousand three hundred and thirty seven pounds twelve shillings and eight pence three farthings; from the county of Orange the sum of one thousand seven hundred and thirty five pounds, and eleven pence one half penny; from the county of Westchester the sum of one hundred and thirty nine pounds seventeen shillings and one penny; from the county of Montgomery the sum of fifty four pounds and two shillings; from the county of Washington the sum of four hundred and ninety-six pounds, one shilling and sixpence; from Queens county the sum of one hundred and twelve pounds eleven shillings and one penny; from Suffolk county the sum of fifty one pounds seventeen shillings and ten pence; from Richmond county the sum of one hundred and four pounds twelve shillings and nine pence; and from the county of Columbia the sum of six hundred and eighty five pounds three shillings & five pence, therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the supervisors of each of the said several counties respectively, shall as soon as conveniently may be, and at or before the time the first tax is laid in the same counties respectively for defraying the public and necessary contingent charges thereof cause the said arrears abovementioned in each of the said counties respectively, to be assessed and levied in the same respective counties upon the estates real and personal of all the freeholders and inhabitants of the same counties respectively, except as herein after is excepted, and to be collected in the manner and according to the directions of the act entitled "An act for defraying the public and necessary charges in the respective counties of this State" and to be paid to the treasurer of this State.

Arrears of taxes due State to be raised in the various counties.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the supervisors of each of the said respective counties to examine how such arrears or deficiencies have happened in their respective counties, and if they shall find that any person other than the present or late sheriff or treasurer of any county, or any city, town district or ward in any of the said counties, are justly chargeable with any part of the said arrears, and that the same can be collected or recovered from such person, or city, town, district or ward then the supervisors of

Examination by supervisors; levying of arrears.

such county may cause such part or parts of the said arrears to be levied and collected from such person or city town district or ward in the manner and according to the directions of the said act entitled "An act for defraying the public and necessary charges in the respective counties of this State" and to be paid to the treasurer of this State on account of the said arrears.

Supervisors may prosecute for and recover against officers withholding taxes.

And be it further enacted by the authority aforesaid, That the supervisors of each county for the time being or a majority of them shall be, and hereby are empowered, to sue prosecute and maintain an action or actions of trespass on the case, for money had and received to and for the use of the same county, or action of debt, or action of account, against any person who now is, or heretofore hath been county treasurer or sheriff, their executors or administrators, in the name of the supervisors of the same county, for all monies which shall or may have come to their hands belonging to the same county; and every such person as aforesaid, and their executors and administrators may, on such action of trespass on the case, or of debt, plead the general issue, and give the special matter in evidence. *And further* that no action or suit to be commenced, or prosecuted by the supervisors of any county, by virtue or in pursuance of this act, shall be abated or discontinued by the death, or the expiration of the office of such supervisor, or any or either of them; but shall and may be continued and prosecuted to effect, by the supervisors and the successors in office of the same supervisors; and that all monies to be recovered by such action or suit, excepting the costs and charges thereof, shall be paid to the treasurer of the same county for the time being for the use of the county: *Provided always* that such actions or suits shall not be construed to authorize the supervisors of any county, to postpone the levying and raising the arrears aforesaid, agreeable to the directions aforesaid, until the termination of such actions or suits.

Arrears in Washington county

And be it further enacted by the authority aforesaid, That no part of the said arrears in the county of Washington, shall be laid on the towns of Cambridge and Easton or either of them.

Cambridge and Easton, towns of.

And be it further enacted by the authority aforesaid, That the treasurer of the county of Albany for the time being, shall with all convenient speed, examine and certify on oath to the supervisors of the county of Washington, whether any and how much of the said arrears in the said county of Albany are due from the said towns of Cambridge and Easton or either of them. And the supervisors of the said county of Washington shall cause such sums so due from the said towns of Cambridge and Easton respectively, if any, to be raised and levied in the manner aforesaid upon the same towns respectively, and to be paid to the treasurer of this State, who shall credit the same to the late county of Albany.

Rensselaer and Saratoga counties.

And be it further enacted by the authority aforesaid, That the treasurer of the county of Albany for the time being, shall examine and certify on oath to the supervisors of the counties of Rensselaer and Saratoga respectively the sums due from each of the several towns included in the same counties respectively, of the said arrears of the said county of Albany. And the supervisors of the same respective counties of Rensselaer and Saratoga, shall respectively cause the sums due from the several towns in their respective counties to be raised levied and paid in the manner aforesaid, and the residue of the said arrears in the county of Albany after deducting the sums due from Cambridge and Easton, and the several towns in the counties of Rensselaer and Saratoga, shall be raised and levied in manner aforesaid in the present county of Albany, and be paid to the treasurer of this State as aforesaid.

And be it further enacted by the authority aforesaid, That the treasurer of the county of Montgomery for the time being, shall examine and certify on oath to the supervisors of the several counties of Otsego and Herkemer respectively, the sums due from each of the several towns included in the same counties respectively of the said arrears in the said county of Montgomery, and the supervisors of the same respective counties of Otsego and Herkemer shall respectively cause the sums due from the several towns in their respective counties to be raised levied and paid in the manner aforesaid. And the residue of the said arrears in the county of Montgomery after deducting the sums due from the several towns included in the said counties of Otsego and Herkemer shall be raised and levied in manner aforesaid in the present county of Montgomery, and be paid to the treasurer of this State as aforesaid who shall credit the same to the late county of Montgomery.

Otsego and
Herkimer
counties.

And be it further enacted by the authority aforesaid, That if any supervisor county treasurer or collector shall refuse or neglect to perform any duty required of him by this act or the said act entitled "An act for defraying the public and necessary charges in the respective counties of this State" respecting the said arrears, every such supervisor county treasurer and collector, shall for every such offence forfeit to the people of the State of New York the sum of one hundred pounds to be sued for and recovered with full costs of suit by the attorney general of this State for the time being, in the supreme court of this State by action of debt, bill, plaint or information.

Penalty for
neglect of
official
duties.

And be it further enacted by the authority aforesaid, That all arrears of State taxes, laid by any act of the legislature before the first day of January in the year of our Lord one thousand seven hundred and eighty six, shall be and hereby are remitted. But if any part of any such tax shall be in the hands of any county treasurer or collector in any city or county, the supervisors of such county may recover the same of such county treasurer or collector for the use of the county.

When
arrears to
be paid.

And whereas the bounds of the county of Washington have been altered, and the counties of Albany and Montgomery have been divided by acts of the legislature passed in their present session and there may be some arrears of county and town taxes in the same counties. Therefore

Be it further enacted by the authority aforesaid, That all county and town taxes now in arrears in the said late counties of Albany Washington and Montgomery shall be collected paid and applied in the same manner as if the same counties had not been altered or divided.

Local taxes
in Albany,
Washington
and Montgom-
ery.

And be it further enacted by the authority aforesaid, That the first meeting of the supervisors of the county of Rensselaer shall be on the last Tuesday of May next, at the house of Stephen Ashley in the town of Rensselaerwyck in the same county. And the first meeting of the supervisors of the county of Saratoga shall be on the same last Tuesday of May next at the house of William Mead in the town of Still Water in the same county. And the first meeting of the supervisors of the said county of Otsego shall be on the same last Tuesday of May next at the house of William Ellison in the town of Otsego in the same county. And the first meeting of the supervisors of the county of Herkemer shall be on the same last Tuesday of May next at the house of Joseph Myer in the town of Herkemer in the same county. And the first meeting of the supervisors of the county of Tioga shall be on the same last Tuesday of May next at the house of Nehemiah Spalding in the town of Union in the same county.

Meetings of
supervisors,
when and where
held.

And whereas the said county of Washington included the county of Clinton when the acts upon which the said arrears are due, were passed, and part of the said arrears in the said county of Washington are due from the said county of Clinton. Therefore

Proportion of Clinton county remitted.

Be it further enacted by the authority aforesaid, That two hundred pounds of the said arrears in the said county of Washington being the proportion of the said county of Clinton shall be and hereby are remitted.

CHAP. 23.

AN ACT for the relief of William Johnston and others.

PASSED the 8th of March, 1791.

Appropriation to William Johnston and others for improvements on farms sold by commissioners of forfeitures.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State, be, and he is hereby directed to pay unto William Johnston, the sum of twenty five pounds, to Samuel Low the sum of forty eight pounds five shillings, to Nathaniel Curtis the sum of seventeen pounds, to Daniel Lobdell the sum of forty five pounds two shillings and six pence, to Benoni Ford the sum of twenty seven pounds, to Cornelius Lambersen the sum of ten pounds, to William Morrison the sum of twenty pounds and to John Fevel the sum of twenty pounds fifteen shillings, amounting in the whole to two hundred and thirteen pounds two shillings and six pence; out of any money in the treasury not otherwise appropriated, said to be the amount of improvements on their several farms, sold by the commissioners of forfeitures for the western district, and received into the treasury of this State.

Proviso as to certificates from commissioners.

Provided always, That a satisfactory certificate is obtained from the late commissioners of forfeitures for the western district, that the aforesaid persons were entitled to the provision contained in the nineteenth section of an act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same," passed the 22d of October 1779; and provided, proper documents are produced to the said treasurer, that the actual appraisement of the said improvements were made agreeably to the above statements.

Certificate to be issued to Henry White.

And be it further enacted by the authority aforesaid, That the treasurer of this State, be, and he is hereby authorized and required to deliver unto Henry White, the certificate amounting to one hundred and sixty-nine pounds eight shillings and a half penny, directed by the act entitled "An act for the relief of Udney Hay and others," passed the 6th April 1790, to be issued to Hamilton Young as one of the copartners of Greg Cunningham and Company, for a claim which the said copartnership had against the forfeited estate of Henry White, deceased, and which said demand the aforesaid Henry White has actually paid to the said Hamilton Young out of his own monies, without taking the oath prescribed by the act entitled "An act for the speedy sale of confiscated and forfeited estates within this State, and for other purposes therein mentioned," passed the 12th day of May, one thousand seven hundred and eighty four.

CHAP. 24.

AN ACT for the relief of John Dauchstater and Mary his wife.

PASSED the 8th of March, 1791.

WHEREAS John Dauchstater hath by his petition to the legislature prayed for a conveyance of one hundred acres of land near Charlotte river in the county of Otsego forfeited by the conviction of Christopher Service, father of Mary the wife of the said John Dauchstater, and which still remains unsold by the late commissioners of forfeitures in the western district. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the surveyor general of this State, for the time being, be, and he hereby is authorized and directed, on application of the said John Dauchstater, or any person by him duly authorized for the purpose, to convey to the said John Dauchstater and Mary his wife, and the heirs of the said Mary, the said one hundred acres of land, situate near Charlotte river aforesaid, and forfeited by the conviction of the said Christopher Service..

Preamble.

Surveyor-general to convey lands to John and Mary Dauchstater.

And be it further enacted by the authority aforesaid, That the form of the conveyance to be executed by the surveyor general, shall be in like form, with the form described in the act entitled "An act relating to the forfeited estates," except that the consideration shall be omitted, and instead thereof the deed shall recite, "by virtue of the authority vested in me by a law of the State, entitled "An act for the relief of John Dauchstater and Mary his wife;" but such conveyance shall not operate as a warranty.

Form of conveyance.

CHAP. 25.

AN ACT for altering the times of holding the courts in the counties of West Chester, Columbia, and Clinton, and for reviving the mayors court of the city of Hudson.

PASSED the 8th of March, 1791.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the courts of common pleas and general sessions of the peace, in and for the county of West Chester, instead of the times now prescribed by law for holding the same courts shall hereafter be holden as follows, that is to say the said courts of common pleas, in and for the said county of West Chester, shall be held on the fourth Mondays of May, September and January, in every year; and shall be held alternately at the court house at Bedford, and at the court house at the White Plains, and may be continued until the several Saturday's next following inclusive: But no issue of fact shall be tried by a jury, in any of the said terms of January: And that the courts of general sessions of the peace, in and for the said county of West Chester, shall be held on the fourth Mondays of May and September, in every year, at the place where the court of common pleas shall be then holden; and may continue to be held until the end of that term of the same court of common pleas; any law to the contrary notwithstanding.

Terms of court of common pleas and general sessions of the peace, West-chester county.

Id.; Colum-
bia.

And be it further enacted by the authority aforesaid, That from and after the first day of June next, the courts of common pleas and general sessions of the peace, in and for the said county of Columbia, instead of the times now prescribed by law for holding the same courts, shall be held on the last Mondays of May, October and January, in every year, at the court house in the town of Claverack; and the terms of the same courts which commence on the last Monday's of May and October in every year, may be held and continued until the several Saturday's next following inclusive; and the term of the same courts which is to commence on the last Monday of January in every year, may be held and continued every day except Sunday, until Thursday in the next week inclusive. And the courts of common pleas and general sessions of the peace, to be held in and for the county of Columbia, on the second Tuesday of May next, shall at the end of the term, be adjourned unto the last Monday of October next.

And whereas the courts of common pleas and general sessions of the peace, in and for the county of Clinton, are by law to be held on the third Tuesday of April and fourth Tuesday in October, in every year, which terms are found to be inconvenient. Therefore.

Id.; Clin-
ton.

Be it further enacted by the authority aforesaid, That from and after the first day of June next, instead of the fourth Tuesday of October, and third Tuesday of April, the said courts of common pleas and general sessions of the peace, in and for the county of Clinton, shall be held on the first Tuesdays of October and May, in every year; and may be held until the Saturday's next following inclusive. And the courts of common pleas and general sessions of the peace, to be held in and for the said county of Clinton, on the third Tuesday of April next, shall at the end of the term be adjourned, to the first Tuesday of October next.

Courts may
adjourn
when busi-
ness per-
mits.

And be it further enacted by the authority aforesaid, That either of the said courts of common pleas, and general sessions of the peace, in either of the said counties, may at any time, in any term, be adjourned until the next term of the same court, when the business will permit.

And whereas by the act entitled "An act for incorporating the inhabitants residing within the limits therein mentioned," the mayor recorder and aldermen of the city of Hudson, or any three of them, whereof the mayor or recorder should always be one, were authorized to hold on the first Tuesday in every month, one court of common pleas, or record, within the said city, to be called the mayors court. *And whereas* by occasion of the absence of the mayor and recorder, the said court was not held on the first Tuesday of February, in the present year, by reason whereof all the proceedings then depending in the said court are discontinued, and the right of holding such court is supposed to be lost. Therefore,

Mayor's
court of
Hudson
revived.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the mayor, recorder and aldermen of the said city, or any three of them, whereof the mayor or recorder shall be one, to hold such court according to the directions of the said act on the first Tuesday of May next, and on the first Tuesday in every month thereafter, in the same manner, as if the said court had been regularly held according to the said act, and adjourned to the said first Tuesday of May next; and all the process and proceedings depending in the said court on the said first Tuesday of February, in the present year, shall be, and hereby are revived and continued, unto the said first Tuesday in May next.

CHAP. 26.**AN ACT for the relief of John Ten Broeck.**

PASSED the 8th of March, 1791.

WHEREAS John Ten Broeck late sheriff of the county of Albany, by Preamble.
hath his petition to the legislature, prayed for for further time to present
his accounts, while in the execution of his office, for settlement, and
whereas it appears advisable to grant relief in the premises; therefore,

Be it enacted by the People of the State of New York, represented in Suits
Senate and Assembly, and it is hereby enacted by the authority of the same, against
That the treasurer of this State for the time being shall and may dis- John Ten
continue any suit, or suits, by him commenced against the said John Broeck,
Ten Broeck, late sheriff of the county of Albany, pursuant to the thirty late sheriff
second section of the act, entitled "An act to compel the payment of of Albany,
of the arrears of taxes, for enforcing the payment of fines and amercia- discontinued.
ments, obliging sheriffs to give security for the due execution of their
offices, and for other purpose," passed the twenty-sixth day of November,
in the year of our Lord one thousand seven hundred and eighty four,
upon his exhibiting and filing, on oath, according to the best of his
knowledge and belief, such account and list as directed by the said act,
and praying the amount thereof, liquidated by the auditor, together
with the costs of such suit or suits, to the said treasurer, on or before
the first day of January next.

And be it further enacted by the authority aforesaid, That it shall and Court of
may be lawful for the court of exchequer, at any time before the end of exchequer
January term next, to examine, audit and settle the accounts of the said to settle
John Ten Broeck in the same manner as if he had presented his his ac-
accounts in due time. counts.

CHAP. 27.**AN ACT to amend an act entitled an act for the regulations of sales by public auction.**

PASSED the 8th of March, 1791.

Be it enacted by the People of the State of New York, represented in Auction-
Senate and Assembly, and it is hereby enacted by the authority of the same eers, gov-
That the person administering the government of this State for the ernor to
time being by and with the advice and consent of the council of appoint.
appointment, shall annually appoint, so many persons within this State
to be vendue masters or auctioneers as they shall judge proper; *pro-*
vided always, that the number to be appointed in and for the city and
county of New York shall not exceed twelve in any one year.

And be it further enacted by the authority aforesaid, That all licenses Licenses to
heretofore given to any vendue master or auctioneer shall from and vendue-
after the first day of May next cease, and hereby are declared to be masters
void and of none effect, and every person who shall act as a vendue revoked.
master or auctioneer after the said first day of May next, in pursuance
of such licence shall be liable to the penalties in the said act mentioned
in like manner as if he had not obtained such licence.

Appointees to give bonds.

And be it further enacted by the authority aforesaid, That no person hereafter to be appointed a vendue master or auctioneer shall enter upon the execution of his office, until he shall have first entered into a recognizance, as is directed in and by the said act.

Annual account to be rendered to State treasurer.

And be it further enacted by the authority aforesaid, That every vendue master or auctioneer heretofore licenced, shall within twenty days after the said first day of May next, account for and pay into the treasury of this State, the duties belonging to the people of this State, arising from the sale of goods wares and merchandize or effects by him made as vendue master or auctioneer and not before accounted for.

Manner of conducting auction; unauthorized person not to sell.

And be it further enacted by the authority aforesaid, That all goods, wares and merchandize or effects whatsoever, which shall or may at any time or times from and after the said first day of May, next be exposed to sale at public vendue auction or outcry within the city of New York, by any person or persons duly qualified and licenced thereto, shall be exposed to sale at public vendue auction or outcry in open day between sunrise and sunset; and that any person or persons who shall expose to sale any goods wares merchandize or effects, contrary to the true intent and meaning hereof, shall be deemed for such offence to have forfeited his or their license, and be thereafter disqualified from acting as a vendue master or auctioneer. *Provided always,* that nothing herein contained shall extend to any public sale vendue or auction be* be had or made for the purpose of selling or disposing of any public securities or stock created under the acts of Congress, or of any books or prints except such books or prints as are prohibited by law.

Proviso as to sales of public securities and books.

Duties appropriated for support of government.

And be it further enacted by the authority aforesaid, That all monies which shall be paid into the treasury in pursuance of the said act and this act, be, and hereby are appropriated for the support of the civil government of this State.

CHAP. 28.

AN ACT to prevent obstructions to docks and wharves in the city of New York.

PASSED the 10th of March, 1791.

Penalty for discharge of ballast upon wharf in New York city.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next, if any master or commander owner or owners, of any ship or vessel, shall discharge or cause to be discharged from such ship or vessel, any ballast consisting of earth, gravel or stones, into any dock, or upon any wharf within the city of New York, without the consent of the owner or wharfinger having charge of such dock or wharf, first obtained, such master or commander owner or owners, shall, for every such offence, forfeit and pay to such owner or wharfinger having charge of such dock or wharf, the sum of twenty shillings, to be recovered before any court having cognizance of the same.

Penalty for refusal of master to move vessel at request of wharfinger.

And be it further enacted by the authority aforesaid, That upon the neglect or refusal of any master or owner of any ship or vessel, to remove or cause to be removed such ship or vessel backwards or forwards at the same wharf, at the direction of any wharfinger having the

* So in original.

charge of such wharf, or of the owner thereof, such master or owner shall for every such offence forfeit and pay to the said wharfinger or owner of such wharf, the sum of five pounds, to be recovered with costs of suit, in manner aforesaid.

And be it further enacted by the authority aforesaid, That any master or commander, owner or owners, of any ship or vessel, having discharged any ballast of the description aforesaid, upon any wharf, without the consent of the owner or wharfinger having charge of the said wharf, and shall neglect or refuse, after notice in writing, to remove the same, such master or commander, owner or owners, shall forfeit and pay, dayly and every day during such refusal or neglect, the same sum as is by law chargeable for the wharfage of such ship or vessel, which discharged such ballast as aforesaid.

Penalty for failure to remove ballast unlawfully discharged on wharves

Provided nevertheless, that no agent or agents, factor or factors, transacting for any person or persons residing out off, or absent from this State, shall be liable to the penalties imposed by this act; unless an account thereof be delivered to such agent or agents, factor or factors, or left at his or their usual place of abode, and the money demanded, before the departure of such vessel from port; any thing herein contained to the contrary notwithstanding.

Proviso as to notices to agents of foreign owners.

And be it further enacted by the authority aforesaid, That any carpenter or other person, employed in repairing sheathing or graving any ship or vessel, being in any dock within the city aforesaid who shall throw or cause to be thrown into any such dock, any timber, sheathing boards, or any other matter or thing whatsoever, tending to fill up and obstruct such dock, shall, for every such offence, forfeit and pay to the owner of such dock or wharfinger having charge of the same, the sum of forty shillings, to be recovered in manner aforesaid.

Penalty for throwing timber, etc., into any dock.

CHAP. 29.

AN ACT supplementary to the act entitled "An act for giving relief in cases of insolvency," and the act entitled "An act for the relief of debtors with respect to the imprisonment of their persons."

PASSED the 10th of March, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That where it shall appear to the assignee, or assignees, of any insolvent debtor, who hath been, or shall be discharged under the act above mentioned, that there hath been mutual credit given by the said insolvent and any other person or persons, or that mutual debts subsisted between the said insolvent and any other person or persons, before such insolvent presented his petition, praying the benefit of the act aforesaid, the assignee or assignees of such insolvent shall state the account between them, and one debt may be set against another, and what shall appear to be due on the ballance of such account, and on setting such debts against one another, and no more shall be claimed or paid on either side respectively.

Duty of assignee in case of mutual accounts.

And be it further enacted by the authority aforesaid, That every person who now is, or hereafter shall be confined in gaol on execution, and shall have remained in gaol the space of one year, shall be entitled to the benefit of the act entitled "An act for the relief of debtors with respect

Persons confined for one year to have benefit of act

though charged with over £200.

to the imprisonment of their persons" although the sum or sums of money for which such person is or shall be charged in execution, shall exceed the sum of two hundred pounds.

Provided, the same does not exceed the sum of one thousand pounds.

CHAP. 30.

AN ACT for building a court-house and gaol in Kings county.

PASSED the 10th of March, 1791.

Preamble. WHEREAS the judges, justices and supervisors of Kings county have by their petition requested the legislature to enable them by law to raise a sum of money to build a court house and gaol in the said county therefore

Tax levy of £1,200 authorized in Kings county for court-house and jail. *Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the supervisors of the several towns in the said county for the time being, or the major part of them, shall be, and they are hereby authorized and required to direct to be raised and levied, on the freeholders and inhabitants of the said county, the sum of twelve hundred pounds, for building a court house and gaol in the said county; with the additional sum of nine pence in the pound for collecting the same; which said sums shall be raised, levied and collected, in like manner as the other necessary and contingent charges of the county, are levied and collected.

Meeting of supervisors, when and where. *And be it further enacted by the authority aforesaid,* That the supervisors of Kings county, or the major part of them, shall meet at the dwelling house of James Van Beuren in Flat Bush, in the same county, on the twelfth day of April next, for the purpose of directing the said sum of twelve hundred pounds together with the poundage for collecting the same, to be raised and levied, and it is hereby made the duty of the clerk of the supervisors of the said county, to notify the said supervisors of said county of such meeting.

Tax, when to be collected and paid. *And be it further enacted by the authority aforesaid,* That the said sum of twelve hundred pounds, shall be collected and paid into the treasury of the said county, in manner following, that is to say, eight hundred pounds thereof on or before the first day of June next, and the remaining part, on or before the first day of October next.

Commissioners to superintend erection, appointment and duties. *And be it further enacted by the authority aforesaid,* That the supervisors and judges of the court of common pleas in the said county, shall, on the said twelfth of April next, assemble together and appoint three commissioners, to superintend the building of the court house and gaol aforesaid; which said court house and gaol shall be erected on the lot or toft of land whereon the present court house and gaol are erected, and upon such plan as the aforesaid commissioners or a majority of them, so to be appointed, shall think best, consistent with the economy and the interest of the said county; and that the said commissioners or a majority of them, so to be appointed; shall and may contract with workmen, and purchase materials for erecting the aforesaid court house and gaol; and shall from time to time draw upon the treasurer of the said county, for such sums of money, for the purposes aforesaid, as shall come into the treasury by virtue of this act: And the treasurer is hereby required, out of the monies aforesaid, to pay to, the order of the said commissioners, the several sums of money to be by them drawn for:

And it is hereby made the duty of such commissioners, so to be appointed, to account with the supervisors of the said county, for the monies which they shall so receive from the treasurer when thereunto required.

And be it further enacted by the authority aforesaid, That the court of common pleas and the court of general sessions of the peace for the same county, shall, after the end of the term to be held on the third Tuesday in April next, be adjourned to and held at such place in the township of Flat Bush, as the judges and justices of the same courts or a majority of them, shall determine, until the court house aforesaid shall be built, and fit for the reception of the said courts.

Courts,
where to
be held.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of the said county, to retain in his hands, the sum of three pence in the pound, for his trouble in receiving and paying out the monies directed to be raised by this act.

Fees of
county
treasurer.

CHAP. 31.

AN ACT for raising a further sum of money, for compleating the court house and gaol, in the county of Albany.

PASSED the 18th of March, 1791.

WHEREAS the persons appointed by the act, entitled "An act for building a gaol, and repairing the court house in the city and county of Albany, have by their petition, requested the legislature to enable the supervisors, by law, to raise a further sum of two thousand pounds, to compleat the court house and gaol, in the said city and county.

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the supervisors of the said city and county, for the time being, shall be, and they are hereby authorized and required, to direct to be raised and levied, on the freeholders and inhabitants of the said city and county, the sum of two thousand pounds, for compleating the court house and gaol in the said city and county; with an additional sum of nine pence in the pound, for collecting the same; which said sums shall be raised, levied and collected, at the same time, and in like manner, as the other necessary and contingent charges of the said city and county, are levied and collected.

Tax levy
authorized
in Albany
county for
completing
court-house
and jail.

And be it further enacted by the authority aforesaid, That the one moiety of the said sum of two thousand pounds, shall be collected and paid into the treasury of the said city and county, on or before the first day of November next; and the other moiety, on or before the first day of November, one thousand seven hundred and ninety two; and the treasurer of the said city and county is hereby required and directed, out of the money aforesaid, to pay to the commissioners appointed by the act above recited, or their orders, the several sums of money to be by them drawn for: And it is hereby made the duty of the said commissioners for the time being, to account with the supervisors of the said city and county, for the monies by them to be received and expended for the purpose aforesaid, when thereunto required.

Tax, when
to be col-
lected and
paid; com-
missioners
to expend
and ac-
count.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of the said city and county, to retain in his own hands, the sum of three pence in the pound, for his trouble in receiving and paying out the monies, directed to be raised by this act.

Fees of
county
treasurer.

CHAP. 32.

AN ACT for vesting a certain tract of land in trustees for the benefit of Peter Otsequeete.

PASSED the 18th of March, 1791.

Lands in
Herkimer
county
near
Oneida
reservation
to be vest-
ed in trust
for Peter
Otsequeete

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the commissioners of the land office shall as soon as conveniently may be, cause to be laid out and surveyed for Peter Otsequeete of the Wolf tribe of the Oneida nation, a tract of one thousand acres of land, at such a place in the county of Herkemer as they may find most suitable for the purpose, adjoining to or near the lands called the Oneida reservation, and shall cause letters patent to be issued for such tract, granting the same to the secretary, the treasurer and the attorney general of this State for the time being, and their successors in office for ever, in trust, to permit and suffer the said Peter Otsequeete, during his natural life, and the issue of his body, during their respective natural lives, as long as there shall be any such issue remaining to occupy, improve and enjoy for his and their own use and benefit, so much of the said tract, as the said trustees may from time to time think necessary for that purpose; and in trust from time to time, to let out and lease to such person or persons, and upon such terms and conditions, and for such time, not exceeding twenty one years, or three lives, as the said trustees may think proper, all such parts of the said tract of land as may at any time be unoccupied or unimproved by the said Peter Otsequeete or his issue, and to pay the rents thereof to the said Peter Otsequeete during his life, and after his death to pay the same to the issue of the body of the said Peter Otsequeete during their respective natural lives, equally to be divided among them, and for and upon no other use or trust whatsoever.

Lease in
reversion
prohibited.

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said trustees, at any time, to make any lease in reversion of any part of the said tract, and every such lease shall be void.

CHAP. 33.

AN ACT for dividing the towns therein mentioned.

PASSED the 18th of March, 1791.

Peters-
burgh,
town of,
erected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first Monday in April next, all that part of the town of Stephen Town, in the county of Rensselaer, which lies north of a line to be drawn east and west from the south bounds of Peter Seamons farm, until it intersects the east and west bounds of the said town of Stephen Town, shall be, and is hereby erected into a distinct and separate town by the name of Petersburg, and that the first town meeting of the inhabitants of Petersburg, shall be held at the house of Hezekiah Coone in the said town; and that the next town meeting of the inhabitants of the town of Stephen Town, shall be held at the dwelling house now occupied by Joshua Gardner in said town.

And be it further enacted by the authority aforesaid, That from and after the first Monday in April next, all that part of the town of Rensselaerwyck in the county of Rensselaer, which lies north of a line to be drawn from a point on the east bank of Hudsons river, sixteen miles distant from the south west corner of the town of Rensselaerwyck, and running from thence east, to the west bounds of the town of Petersburg, shall be, and is hereby erected into a distinct and separate town, by the name of Troy; and that the first town meeting of the said town of Troy shall be held at the dwelling house now occupied by Stephen Ashley in the said town; and that the next town meeting of the town of Rensselaerwyck, shall be held at the dwelling house of James McKown in the said town.

Troy, town
of, erected.

And be it further enacted by the authority aforesaid, That from and after the first day of April next, all that part of the town of Watervliet, in the county of Albany, which is bounded as follows, south by the town of Cocksakie, west by the town of Rensselaerville, north, by the north bounds of Coeyemans patent of confirmation, and east, by the county of Rensselaer, shall be and hereby is erected into a separate and distinct town, by the name of Coeyemans, and the first town meeting in the said town, shall be held at the present dwelling house of Anthony Egbertse in the said town.

Coeyemans,
town of,
erected.

And be it further enacted by the authority aforesaid, That from and after the first day of April next, all that part of the town of Haverstraw in the county of Orange, bounded westerly by a line beginning at the north west corner of the land of John M. Hogenkamp, called his middle town lot, and running from thence north, three degrees west, to the division line between the north and south moiety of the patent of Kakiate, and then along the same east, to the line of division between the east and west four hundred acre lots of the said north moiety, and then along the last mentioned division line, and continuing the same, to the line of division between the mountain lots, upon the top of the Verdrietge Hook mountain, and northerly by the line running along the top of the said mountain, between the said mountain lots, to the east end thereof, and from thence to the head of the stream of water which runs from the Long Clove to Hudsons river, and then along the same stream of water to Hudsons river, easterly by Hudsons river, and southerly by Orange Town, shall be, and hereby is erected into distinct and separate town, by the name of Clarks Town; and the first town meeting of the inhabitants of Clark's Town, shall be held at the court house at the New City, in the same town: And that all that part of the said town of Haverstraw, bounded easterly by Clark's Town, southerly by New Jersey, westerly by New Cornwall, and northerly by a line running from the north west corner of Clark's Town, along the south bounds of the lands of Francis Gurnie and Benjamin Coe, and along the north bounds of the land of Gabriel Concklin and Jonathan Seaman, and the same course continued to the bounds of New Cornwall, shall be and hereby is erected into a distinct and separate town, by the name of New Hampstead; and the first town meeting of the inhabitants of New Hampstead, shall be held at the dwelling house of Theunis Cuyper in the same town; and that the residue of the said town of Haverstraw, shall remain and continue a distinct and separate town, by the name of Haverstraw, and the next town meeting of the inhabitants of the same town, shall be held at the dwelling house of David Burns in the same town.

Clarks-
town, town
of, erected.

New Hamp-
stead, town
of, erected.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the several towns erected by this act, shall be, and hereby are empowered to hold town meetings and elect such town officers,

Powers of
freeholders

as the freeholders and inhabitants of any town in this State may do by law: And that the freeholders and inhabitants of the said several towns, and the town officers to be by them respectively elected, shall have the like powers and privileges, as the freeholders, inhabitants and town officers, of any other town in this State, may exercise by law.

Poor in
Haver-
straw.

And be it further enacted by the authority aforesaid, That the poor now belonging to the town of Haverstraw, prior to this division, and every person now entitled to a settlement therein, and who shall become poor, shall be supported and maintained at the joint expense or the towns of Haverstraw, Clark's Town and New Hampstead, in the same proportion, as the necessary and contingent charges of the county, shall from time to time be laid upon the said towns respectively.

Contingent
charges,
how as-
sessed and
paid.

And be it further enacted by the authority aforesaid, That the contingent charges and expences of the several towns aforesaid, that have already arisen, or shall arise before the first day of April next, shall be assessed levied and paid in manner and form as if this act had not passed.

Licenses
not af-
fected.

And further, That all permits granted to any person or persons, to retail spirituous and strong liquors, or to keep an inn or tavern in either of the said towns, before the first day of April next, agreeably to an act to lay a duty of excise on strong liquors and for regulating inns and taverns, shall in no wise be injured or affected by the passing this act.

Expense of
running
division
lines.

And be it further enacted by the authority aforesaid, That the expence of running the division lines between the respective towns of Rensselaerwyck and Troy, and of Stephen Town and Petersburg, shall be paid in equal moieties by each of the said towns.

Poor of
Stephen-
town and
Peters-
burgh.

And be it further enacted by the authority aforesaid, That as soon as may be convenient, after the first Tuesday of April next, the supervisors and overseers of the poor for the towns of Stephen Town and Petersburg, shall by a notice to be given for that purpose, by the supervisor of the town of Stephen Town, meet together, and apportion the poor maintained by Stephen Town at the time of the division thereof, between the said two towns, in an equitable manner; and the said towns respectively, shall thereafter maintain their respective poor.

Poor of
Rensselaer-
wyck and
Troy.

And be it further enacted by the authority aforesaid, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor for the towns of Rensselaerwyck and Troy, shall by notice to be given for that purpose, by the supervisor of the town of Rensselaerwyck, meet together, and apportion the poor maintained by the town of Rensselaerwyck, at the time of the division thereof, between the said two towns, in an equitable manner; and the said towns respectively shall thereafter maintain their respective poor.

Poor of
Watervliet
and Coey-
mans.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the supervisors and overseers of the poor of Watervliet and Coeymans, for the time being, to divide the poor now maintained by the said towns between the same two towns, in such manner as they or the major part of them shall judge to be just and equitable; and each of the said towns shall thereafter support their own poor respectively.

CHAP. 34.

AN ACT to enable the mayor recorder and aldermen of the city of New York, to order the raising monies by tax for the maintenance of the poor, and for defraying the other contingent expences arising in the city and county of New York.

PASSED the 18th of March, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the mayor recorder and aldermen of the city of New York, or the major part of them, of whom the mayor or recorder to be one, shall be, and hereby are fully authorized and empowered, as soon as conveniently may be after the passing of this act, to order the raising a sum not exceeding eight thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county, the Bridewell, and the criminals from time to time confined in the prison of the said city and county, and to the repairing and maintaining the public roads, and cleaning and improving the streets within the said city and county.

Tax levy authorized in New York city for contingent purposes.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the mayor recorder and aldermen aforesaid, or the major part of them, as soon as conveniently may be after the passing of this act, to order the raising a further sum not exceeding three thousand pounds, to be assessed, raised and collected, in the manner aforesaid, to be applied to the improvements at the Battery, and in front of the government house:

Tax levy for improvements at the Battery.

And also a further sum not exceeding four thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the said city, on the south side of a line, beginning at the out let of the meadow of Leonard Lisenard into Hudsons river, thence extending to and along the north side of the dwelling house of Nicholas Bayard, thence to and along the north side of the dwelling house of Richard Platt, and thence to and along the north side of the dwelling house of Abraham Cannon, to the East river, to be applied to the payment of so many watchmen, as the mayor aldermen and commonalty of the said city, in common council convened, shall think necessary for guarding the said city, and also the purchasing oyl, providing lamps, and repairing and attending the lamps, which now are and from time to time hereafter may be erected within the said city, and for the payment of such other contingent charges of the said city, as the mayor aldermen and commonalty of the said city, in common council convened, shall think necessary and direct; which said several sums of money shall be rated and assessed according to the estate of each respective person, so to be taxed, and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time as the said mayor, recorder and aldermen, or the major part of them, shall direct and appoint; any thing in the second section of the statute, entitled "An act for the more effectual collection of taxes in the city and county of New York," contained, to the contrary notwithstanding,

Tax levy for watchmen and street lighting.

An be it further enacted by the authority aforesaid,* That it shall and may be lawful for the collectors in the out ward of the said city, to

Fees of collectors and treasurer.

retain in their hands, the sum of one shilling in the pound, and the collectors in the several other wards, the sum of nine pence in the pound, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act, and that it shall and may be lawful for the said treasurer or chamberlain, to retain in his hands the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said monies.

CHAP. 35.

AN ACT for laying out and regulating certain roads over the Esopus low lands in the county of Ulster; and for ascertaining the lines between the towns of Goshen, Warwick and Minisink, in the county of Orange.

PASSED the 18th of March, 1791.

Preamble.

WHEREAS many of the inhabitants of the town of Kingston, in the county of Ulster, have, by their petition, represented to the legislature, that it will be necessary to lay out a public road or roads, over the Esopus low lands, to the bridge lately erected over the Esopus creek; but that it would be highly inconvenient that the said road or roads, should be of the breadth of four rods as at present directed by law, by reason of the expence which would attend the same. Therefore

Roads two rods wide may be laid out across Esopus low lands.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the commissioners of highways of the said town of Kingston, or the major part of them, to lay out such common road or roads, across the said low lands, as may be judged expedient, and that the breadth thereof from the place of leaving the main road from Kingston to Hurly, to the aforesaid bridge, and from the said bridge, northerly over the said low lands, shall be two rods wide.

Proviso that roads be otherwise laid out according to general law.

Provided nevertheless, That the said commissioners, or the major part of them, shall in all respects, except as is herein before mentioned, pursue and be governed by the disrections, and provisions of the act, entitled "An act for the better laying out, regulating and keeping in repair all common and public highways, and private roads, in the counties of Ulster, Orange, Dutchess, Washington, West Chester, Albany and Montgomery," passed the 4th of May, 1784.

Swinging gates to be maintained; penalty for leaving open.

And be it further enacted by the authority aforesaid, That the said commissioners of high ways, or the major part of them, shall cause to be erected and kept, at the expence of the said town of Kingston, such swinging gates on said roads, as may be by them, or the major part of them, thought necessary or expedient, not exceeding three, and that any person or persons, who shall open and leave open the said swinging gates, or either of them, shall respectively be liable for each offence, to the penalty of eight shillings, to be recovered with costs of suit, before any justice of the peace in the said county of Ulster and the monies therefrom arising, shall be applied towards the erecting or repairing such swinging gates, or to such other objects as the corporation of the said town of Kingston, may deem meet.

Boundaries of Goshen, Warwick and Minisink.

And whereas the towns of Goshen and Warwick, are bounded westerly by the Walkill, and the town of Minisink is bounded southerly by the same kill, in the county aforesaid, whereby the said kill is included in neither of the said towns. Therefore,

Be it further enacted by the authority aforesaid That the towns aforesaid, shall be, and they are hereby divided by the middle of the said Walkkill, any thing in any law to the contrary notwithstanding.

CHAP. 36.

AN ACT to divide the town of North Castle, in the county of West Chester.

PASSED the 18th of March, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, New Castle, town of, erected from North Castle. That from and after the first Monday of April next, all that part of the town of North Castle, in the county of West Chester, that lies east and south of a line drawn from the south west corner of the town of Bedford, to the head at Brunx's river, where the same divides the town of Mount Pleasant, from the town of North Castle, shall be one separate town, by the name of North Castle; and the first town meeting for the said town of North Castle, shall be held at the dwelling house of Harrison Palmer: And all the remaining part of the said town of North Castle, that lies west and north of the aforesaid line, shall be one other separate town, by the name of New Castle; and the first town-meeting for the town of New Castle, shall be held at the dwelling-house of Hannah Legget. And the said town of North Castle, and the said town of New Castle, shall separately and severally, hold and enjoy all the privileges and immunities that the town of North Castle held and enjoyed by any former law of this State, at and immediately before the passing of this act.

And be it further enacted by the authority aforesaid, Division of the poor. That the poor of the town of North Castle, on the first Monday of April next, shall afterwards be divided by the town of North Castle, and the town of New Castle, in such proportions, as the overseers of the poor, for the time being, of the said towns respectively, shall agree upon; and in case of disagreement of the said overseers, then and in such proportions, as the supervisors of the county, at their next annual meeting shall direct, any former law to the contrary notwithstanding.

CHAP. 37.

AN ACT to incorporate the stockholders of the bank of New York.

PASSED the 21st of March, 1791.

WHEREAS Isaac Roosevelt and others, associated as a company, under the stile of the president, directors and company of the bank of New York, by their petition presented to the legislature, have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution. Therefore, Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Bank of New York, incorporated; powers and privileges. That all such persons as now are, or hereafter shall be, stock holders of the said bank, shall be, and hereby are ordained, constituted and

declared to be, from time to time, and until the second Tuesday of May, which will be in the year one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of the president, directors and company of the bank of New York; and that by that name they and their successors, until the said second Tuesday of May, one thousand eight hundred and eleven, shall and may, have continued succession; and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors; may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the president, directors and company of the bank of New York, shall be in law capable of purchasing, holding and conveying, any estate, real or personal, for the use of the said corporation.

Amount
and shares
of stock;
limit of
property.

And be it further enacted by the authority aforesaid, That a share in the stock of the said bank, shall be five hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares shall not exceed one thousand eight hundred exclusive of any shares that may be subscribed on the part of this State, and subscriptions shall be kept open, under the direction of the president and directors of the said bank, until the said number of shares shall be filled, and the whole amount of the stock, estate and property, which the said corporation shall be authorized to hold, including the capital, stock or shares above mentioned, shall never exceed in value one million of dollars.

Affairs to
be man-
aged by
board of
thirteen
directors;
manner of
election.

And be it further enacted by the authority aforesaid, That the stock, property, affairs and concerns, of the said corporation, shall be managed and conducted by thirteen directors, one of whom to be the president, who shall hold their offices for one year, which directors, shall be stock holders, and shall be citizens of this State, and be elected on the second Tuesday of May in every year, at such time of the day and at such place in the city of New York, as a majority of the directors, for the time being, shall appoint; and public notice shall be given by the said directors, in two of the newspapers, printed in the said city, of such time and place, not more than twenty, nor less than ten days previous to the time of holding the said election; and the said election shall be held and made, by such of the said stock holders of the said bank, as shall attend for that purpose, in their own proper persons, or by proxy; and all elections for directors shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election, shall be the directors, except as is herein after directed. And if it should happen at any election that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen, shall by plurality of votes, appear to be chosen as directors, then the said stock holders herein before authorised to hold such election, shall proceed to ballot a second time, and by plurality of votes, determine which of the said persons, so having an equal number of votes, shall be the director or directors, so as to compleat the whole number of thirteen; and the said directors as soon as may be after the said election, shall proceed in like manner, to elect by ballot, one of their number to be their president; and four of the directors which shall be chosen at any year, excepting the president, shall be ineligible to the office of director for one year, after the expiration of the time for which they shall be chosen directors. And in case a greater number than eight of the directors, exclusive of the president, who served for the last year, shall appear to be elected, then the election

In case of
tie.

No more
than eight
directors
besides the

of such person or persons above the said number, and who shall have the fewest votes shall be considered as void: and such other of the stock holders, as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected, in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid. And the president for the time being, shall always be eligible to the office of director, but stock holders, not residing within this State, shall be ineligible; and if any director shall remove out of this State, his office shall be considered as vacant: And if any vacancy or vacancies should at any time happen among the directors, by death, resignation or removal from this State, such vacancy or vacancies, shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of New York, as the remainder of the directors for the time being, or the major part of them, shall appoint. And the first directors shall be Isaac Roosevelt, William Maxwell, Thomas Randall, Daniel McCormick, Nicholas Low, William Constable, Joshua Waddington, Samuel Franklin, Comfort Sands, Robert Bowne, Gulian Verplanck, John Murray and William Edgar, and shall hold their offices respectively, until the second Tuesday of May next.

present
to be re-
elected.

Vacancies.

First directors.

And be it further enacted by the authority aforesaid, That in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Failure to
elect not
to dissolve
corpora-
tion.

And be it further enacted by the authority aforesaid, That each stock holders shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratio's that is to say, at the rate of one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten: Stock holders actually resident within the United States and none other, may vote in elections by proxy.

Rights of
stock-
holders to
vote.

And be it further enacted by the authority aforesaid, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of the said bank, as to them, or a majority of them shall appear advisable; and that once in every three years and oftener if thereunto required by a majority of the votes of the stock holders, to be given agreeably to the ratio's herein before established, they shall lay before the stock holders at a general meeting for their information, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the surplus of profits if any, after deducting losses and dividends.

Dividends,
when de-
clared;
statement
to be made

And be it further enacted by the authority aforesaid, That the directors for the time being, or a major part of them, shall have power to make and prescribe such bye laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers, clerks and servants employed therein, and touching the election of directors, and all such other matters as appertain to the business of a bank; and shall also have

Directors.
powers and
duties of.

power to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet:

Provided that such bye laws, rules and regulations, be not repugnant to the constitution and laws of the United States, or of this State

Subscription to stock of bank by the State.

And be it further enacted by the authority aforesaid, That this State shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of one hundred, at any time when they shall by law authorise any person or persons for that purpose, and the State shall have a right to increase the number of shares and stock, which the said corporation may hold, to the amount of the sum to be subscribed, if the number of shares herein before limited, shall be subscribed, before such subscription shall take place on the part of the State.

Amount of debts owed by the bank limited.

And be it further enacted by the authority aforesaid, That the total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill note or other contract, over and above the monies then actually deposited in the bank, shall not exceed three times the sum of the capital stock subscribed, and actually paid into the bank, and in case of such excess, the directors under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal which they may hold as a body corporate, from being also liable for, and chargeable with, the said excess; but such of the said directors who may have been absent when the said excess was contracted, or who may have dissented from the resolution or act whereby the same was so contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of their absence or dissent, to the mayor or recorder of the city of New York, and to the stock holders at a general meeting, which they shall have power to call for that purpose. *And further,* it shall not be lawful for the said corporation, to emit any notes, or contract debts which shall be payable in the bills of credit, emitted by the laws of this State.

May not emit notes.

Power of holding real estate limited.

And be it further enacted by the authority aforesaid, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transacting of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts, previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. *And further,* the said corporation shall not directly or indirectly, deal or trade, in buying or selling, any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock created under any act of the Congress of the United States, or of any particular State, unless in selling the same, when truly pledged to it by way of security, for debts due to the said corporation.

Transfer of stock to be registered.

And be it further enacted by the authority aforesaid, That no transfer of the stock of the said corporation, shall be valid or effectual in law, until such transfer shall be entered or registered, in a book or books to be kept for that purpose by the directors.

Bills of credit, etc., assignable by indorsement.

And be it further enacted by the authority aforesaid, That the bills obligatory, and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon under the hand or hands of such person or persons, and of his her or their assignee or assignees, and so as absolutely to transfer

and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his her or their own name or names; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the principal cashier or treasurer, promising the payment of money to any person or persons, his her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect as upon any private person or persons, if issued by him her or them, in his her or their private or natural capacity or capacities, and shall be assignable and negotiable, in like manner, as if they were so issued by such private person or persons.

And be it further enacted by the authority aforesaid, That the present act of incorporation, shall in no wise be forfeited by any non user whatever, at any time before the second Tuesday in May next; and that it shall on that day be lawful for the stockholders above mentioned, to assemble for the purposes of carrying into effect the same; any want of notice in the manner above prescribed, to the contrary in any wise notwithstanding.

Non user
not to
work for-
feiture.

And be it further enacted by the authority aforesaid, That this act be, and is hereby declared to be a public act; and that the same be for the time herein before limited, construed in all courts and places, benignly and favourably, for every beneficial purpose therein intended.

Declared a
public act.

CHAP. 38.

AN ACT extending the law for partition of lands to the town of New Paltz, in the county of Ulster.

PASSED the 21ST of March, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act entitled "An act for the partition of lands" shall be, and the same is hereby extended to the town of New Paltz, in the county of Ulster, to all intents and purposes, any thing in the said act contained to the contrary, in any wise notwithstanding.

New Paltz,
act recited
extended
to.

CHAP. 39.

AN ACT to restrain the immoderate use of spirituous liquors in the gaols of the cities and counties of New York and Albany.

PASSED the 21ST of March, 1791.

WHEREAS the immoderate use of spirituous liquors in the gaols of the cities and counties of New York and Albany, tends to injure the health and corrupt the morals of the persons therein confined. Therefore

Preamble.

Liquors
not to be
brought
into jails
in Albany
and New
York.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of May next, no spirituous liquors shall, upon any pretence whatsoever be sold within the gaol of the city and county of New York, or within the gaol of the city and county of Albany, nor after the said day shall any kind of spirituous liquors, excepting beer of the quality commonly called table beer, and cider be brought into either of the said gaols, for the use of any person therein confined, without the permit herein after mentioned.

Physician
to jails;
permits
for liquors.

And be it further enacted by the authority aforesaid, That it shall be lawful, to and for the respective mayors of the said cities for the time being, occasionally to appoint one or more physician or physicians, in each of the said cities respectively, who are hereby authorised, in such cases where they may deem the same to be necessary or useful, to grant permits in writing under their hands from time to time to any person confined in the said gaols, to procure and bring into the said gaols respectively, such quantity of spirituous liquors as they may think proper.

Duty of
sheriffs.

And be it further enacted by the authority aforesaid, That it shall be and it is hereby declared to be, the duty of the sheriffs of the said cities and counties respectively, having the custody of the said gaols respectively, to prevent the use of any spirituous liquors therein, contrary to the true intent and meaning of this act.

Penalty for
violation
of act.

And be it further enacted by the authority aforesaid, That if any sheriff of either of the said cities and counties respectively, shall knowingly suffer or permit any spirituous liquors to be sold or used in their respective gaols contrary to the true intent and meaning of this act, and shall be thereof convicted before the supreme court or court of oyer and terminer, shall for every such offence forfeit the sum of one hundred pounds for the use of the people of this State.

CHAP. 40.

AN ACT for the direction of the loan officers and for the apportionment of losses on the monies loaned by the people of this State in the late counties of Albany and Montgomery.

PASSED the 21st of March, 1791.

Loan-offi-
cers to
lease lands
not sold,
on which
mortgage
past due.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when any lands tenements or hereditaments, mortgaged to the loan officers of any city or county shall be exposed to sale by the loan officers, according to the act entitled "An act for emitting the sum of two hundred thousand pounds, in bills of credit for the purposes therein mentioned," and no person shall bid or offer at such sale, to give for the same lands tenements or hereditaments, the sum of money for which the same were mortgaged and then remaining unpaid with the interest then due thereon, or if any person to whom any such lands tenements or hereditaments shall at any such sale be struck off, shall not pay for the same, then, and in every such case, the loan officers shall enter into and take possession of the said lands tenements and hereditaments and let the same upon the best terms they can for the benefit of the county until the third Tuesday of April then next, and

shall on the same third Tuesday in April then next, sell the same lands tenements and hereditaments at public vendue to the highest bidder, giving at least six weeks notice of such sale in the manner directed by the said act; and if any deficiency shall happen by such sale, the loan officers shall give notice thereof to the supervisors of the county in which the lands tenements and hereditaments are situated, at their then next meeting, who shall cause such deficiency to be raised and paid to the loan officers on or before the first Tuesday in October then next, but if the mortgagor or his heirs or assigns shall at any time before sale of the mortgaged premises, pay to the loan officers all such sums as shall be payable on such mortgage on the third Tuesday of June then next, for principal and interest together with the charge of advertising the same, then the said loan officers shall accept the same, and permit the said owner or his heirs or assigns to take possession of the said mortgaged premises and to hold the same until default shall be made in the payment of any further sum on the said mortgage.

And whereas since the passing of the said act, the then counties of Albany and Montgomery have been divided into several counties and the towns of Cambridge and Easton have been added to the county of Washington; therefore

Be it further enacted by the authority aforesaid, That all losses which may happen on any mortgage of any lands tenements or hereditaments situated in Cambridge or Easton taken by virtue of the said act, shall be borne by the said towns, and the supervisors of the county of Washington shall cause all such deficiencies to be raised in the same towns, and to be paid to the loan officers of the county of Albany, and no part of any losses or deficiencies, which have happened or may happen on any mortgage of any lands tenements or hereditaments situated in any other part of the county of Washington taken by virtue of the said act shall be borne or raised in the said towns of Cambridge and Easton or either of them. And all losses and deficiencies which may happen on any mortgage of any lands tenements or hereditaments situated in the county of Rensselaer taken by virtue of the said act shall be borne by the same county of Rensselaer and the supervisors of the same county, shall cause the same to be raised in the same county and paid to the loan officers of the county of Albany. And all losses and deficiencies which may happen on any mortgage of any lands tenements or hereditaments situated in the county of Saratoga taken by virtue of the said act, shall be borne by the same county of Saratoga, and the supervisors of the same county, shall cause the same to be raised in the same county, and paid to the loan officers of the county of Albany. And all losses and deficiencies which may happen on any mortgage of any lands tenements or hereditaments situated in the county of Albany as the same county is now limited, taken by virtue of the said act shall be borne and raised in and by the same county of Albany. And all losses and deficiencies which may happen on any mortgage of any lands tenements or hereditaments situated in the county of Otsego taken by virtue of the said act shall be borne by the said county of Otsego, and the supervisors thereof shall cause the same to be raised in the same county, and paid to the loan officers of the county of Montgomery. And all losses and deficiencies which may happen on any mortgage of any lands tenements or hereditaments situated in the county of Herkimer, taken by virtue of the said act shall be borne by the said county of Herkimer, and the supervisors thereof shall cause the same to be raised in the same county, and paid to the loan officers of the county of Montgomery. And all losses and deficiencies which may happen on any mortgage of any

Cambridge
and East-
on, losses
on loans
in.

Rensselaer
county.

Saratoga
county.

Albany
county.

Otsego
county.

Herkimer
county.

Mont-
gomery
county.

lands tenements or hereditaments situated in the county of Montgomery as now limited, taken by virtue of the said act shall be borne and raised in and by the said county of Montgomery.

Duty of
judges and
super-
visors.

And be it further enacted by the authority aforesaid, That the judges of the courts of common pleas and the supervisors of the counties of Albany Columbia Rensselaer and Saratoga and the supervisors of the towns of Cambridge and Easton collectively, shall and may execute and perform the duties enjoined on them by the said act in like manner as if the division of the county of Albany had never been made, except as to causing the losses and deficiencies to be raised, which shall be done by the supervisors in each county as aforesaid.

Id.

And be it further enacted by the authority aforesaid, That the judges of the courts of common pleas, and the supervisors of the counties of Montgomery Otsego and Herkemer collectively shall and may execute and perform the duties enjoined on them by the said act in like manner as if the division of the county of Montgomery had never been made, except as to the causing the losses and deficiencies to be raised, which shall be done by the supervisors in each county as aforesaid.

Sales of
lands in
Albany
and Mont-
gomery,
where
made.

And be it further enacted by the authority aforesaid, That all sales of any lands tenements or hereditaments by the loan officers of the county of Albany, or the loan officers of the county of Montgomery, to be made by virtue of the said act or this act, shall be made at the court house or place where the court of common pleas shall be then last held in the county where the same land tenements or hereditaments are situated and shall be by the loan officers advertised accordingly, any thing in the said act to the contrary notwithstanding; but if it shall so happen that the said loan officers cannot attend at the different sales on the day before mentioned, then it shall be lawful for them by advertisement to adjourn any sale to a further day not exceeding fourteen days.

CHAP. 41.

AN ACT for building a school house and maintaining a school in the town of Clermont.

PASSED the 21st of March, 1791.

Preamble.

WHEREAS the majestates, town officers and other inhabitants of the town of Clermont in the county of Columbia, have by their petition represented to the legislature that there are monies in the hands of the overseers of the poor in the said town, arising from the excise and from fines which are not wanted for the relief of the poor, and prayed that so much of the said money as may remain in the hands of the said overseers on the first day of April next, and shall not then be wanted for the support of the poor of the said town, may be by law appropriated to the purpose of building a school house and maintaining a school master in the same town; and that Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Mark Blatner and George Best or a majority of them may be authorised and directed to put such law in force. Therefore

Excise
money not
needed for
poor, to be
paid to

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the overseers of the poor of the said town of Clermont for the time being, and they are hereby directed to

pay to the order of the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner and George Best, or the majority of them, all such monies arising from the duty of excise and from fines, as may remain in the hands of the same overseers on the said first day of April next, and which may not be then wanted for the support of the poor of the said town. And the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Mark Blatner and George Best or the majority of them, are hereby authorised and directed, to appropriate the said money to the building of a school-house and maintaining of a school-master in such part of the said town, and in such manner as they or the major part of them shall judge to be most convenient and beneficial for the inhabitants of the said town; and to purchase or procure a convenient piece of land for that purpose; and they are hereby directed to take the conveyance of such land to the supervisor town clerk and overseers of the poor of the said town of Clermont for the time being, and their successors in office.

trustees
for school
purposes.

And be it further enacted by the authority aforesaid, That the said Robert R. Livingston, Samuel Ten Broeck, John Cooper, William Wilson, Marks Blatner and George Best, shall, whenever they shall be thereunto required, render an account of their appropriation and disposition of the said money, to the supervisor town clerk and overseers of the poor of the said town of Clermont for the time being, and as soon as the said monies shall be expended, for the purposes aforesaid then the supervisor town clerk and overseers of the poor of the said town of Clermont for the time being and their successors in office, shall be and hereby are constituted and appointed trustees to superintend and direct the said school. And it shall be lawful for them from time to time to apply all such monies as may come to the hands of the overseers of the poor for the said town for the time being, and which may not be wanted for the support of the poor of the said town to the purpose of repairing the said school-house and paying a school master for teaching a school therein.

Money
to be ac-
counted
for; trustee
to superintend
the school.

CHAP. 42.

AN ACT to amend an act entitled "An act for the sale and disposition of lands belonging to the people of the State" and for other purposes therein mentioned.

PASSED the 22d of March, 1791.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office, and they hereby are authorised to sell and dispose of any of the waste and unappropriated lands in this State, in such parcels, on such terms, and in such manner as they shall judge most conducive to the interest of this State, except the lands in the southern district of this State, and all lands reserved by any act of the legislature for the use of this State, and the lands in the town of Canaan in the county of Columbia, and the lands which have been set apart for the use of the army and which are situate in the county of Herkemer, any thing in any law of this State contained to the contrary notwithstanding. *Provided always,* that no sales or contracts for lands, shall be made in pursuance of this act, by

Commis-
sioners of
land office
empower-
ed to sell
waste
lands.

Certain
lands
reserved.

Proviso, as
to the gov-
ernor.

the commissioners of the land office unless the person administering the government for the time being shall be present.

Surveyor-general to execute orders of commissioners.

And be it further enacted by the authority aforesaid, That the surveyor general shall execute such orders as he may from time to time receive from the commissioners of the land office for carrying this act into effect.

Letters patent to be issued.

And be it further enacted by the authority aforesaid, That the person administering the government for the time being, shall issue letters patent for the lands so to be disposed of as aforesaid whenever the purchaser or purchasers of the same, shall have respectively made payment in full for their respective purchases, which letters patent shall be in such form and words as the said commissioners shall direct, and shall contain an exception and reservation of gold and silver mines, to the people of this State.

Annual account of sales to be rendered.

And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners annually to lay before the legislature an account of the sales and contracts by them made and expences incurred in pursuance of this act.

Treasurer to advance to commissioners \$400.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners by warrant under the hand of the person administering the government of the State for the time being, to draw from the treasury of the State, a sum not exceeding four hundred pounds to enable them to execute the trust committed to them by this act.

Sale of lands reserved by the county land act

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor general, to sell the quantity of fifty acres of land in any one of the corners of the respective lots to be laid out and subjected to the payment of forty eight shillings, in and by the act entitled "An act to carry into effect the concurrent resolutions and acts of the legislature for granting certain lands promised to be given as bounty lands and for other purposes therein mentioned" in every lot on which the said sum of forty eight shillings shall remain unpaid after the first day of July in the year of our Lord one thousand seven hundred and ninety two, any thing in the said act to the contrary notwithstanding.

And whereas locations may have been made on unappropriated lands with certificates for military bounties, which may be found to interfere with prior appropriations, whereby persons having made such locations may lose the benefit of their certificates unless further legislative provision be made. Therefore

Locations to be accepted in lieu of former locations where patent cannot be granted.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor general, in all cases where locations have been made or shall be made, and for which he cannot give the usual certificate to enable the person or persons to obtain a patent or patents for the same, by reason of prior interfering appropriations, to accept locations on other unappropriated land not inhibited from locations, from such person or persons, or their representatives for the like number of acres, at any time before the first day of January next.

Grant to John Cockley.

And be it further enacted by the authority aforesaid, That the commissioners of the land office be and they are hereby directed to grant to John Cockley late a soldier in the first New York regiment, the proportion of land he would have been entitled to by any former law of the State, if his name had been inserted in the muster roll of the regiment aforesaid out of any lands set apart for the troops of the line of this State lately serving in the army of the United States.

And be it further enacted by the authority aforesaid, That the treasurer of this State is hereby directed and required to pay to the surveyor general, the sum of four hundred pounds to enable him to compleat the subdivision of the townships ordered to be laid out for the use of the troops of the line of this State lately serving in the army of the United States, which said sum shall be charged, collected and paid into the treasury by the secretary in like manner as he is directed to charge collect and pay into the treasury the sum of four hundred pounds ordered to be paid by the treasurer to the surveyor general in and by the act entitled "An act to carry into effect the concurrent resolutions and acts of the legislature for granting certain lands promised to be given as bounty lands and for other purposes therein mentioned."

Advance to surveyor-general on account of surveys.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the land office, to grant to the person entitled to the same, the land agreed by the treaty with the Cayuga Indians to be given to a white person married to a Cayuga named Thaniowes, according to the stipulation of the said treaty.

Grant of land according to treaty with Cayugas.

And be it further enacted by the authority aforesaid, That all the estate right title interest claim and demand of the people of the State of New York, of in and to any lands tenements or hereditaments in the town of Canaan in the county of Columbia now possessed by any person or persons, shall be and hereby is granted to the respective possessors of such lands tenements and hereditaments and to the heirs and assigns of such possessors respectively forever. *Provided always,* that such possessor or possessors, shall be construed and taken to be the person or persons holding in his or her own right, and not occupying and improving in the right of another.

Lands in Canaan granted to possessors.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the land office and they are hereby authorised and required to grant to such persons and their legal representatives, the lands to which they are respectively entitled by the act entitled "An act for granting certain lands in the town of Chemung" at any time before the first day of March next. *Provided* that the persons entitled to such grants shall pay into the treasury the sum of one shilling and six pence in specie or in certificates of the United States, other than indents, per acre for the land to be granted to them respectively any thing in the said act to the contrary notwithstanding. *And provided further* that no interest shall be computed on any such certificate after the twelfth day of April next, which shall be so paid into the treasury as aforesaid.

Grant of lands in town of Chemung.

CHAP. 43.

AN ACT to enable Francois Christophe Mantel and the several other persons therein named, to purchase and hold real estates within this State.

PASSED the 22d of March, 1791.

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That it shall and may be lawful for Francois Christophe Mantel Samuel Cowes Junior, Samuel Richardet, William Robert O'Hara, Erick Glad, George Turnbull, Thomas Mounsey & Jan Bernhard respectively, to purchase lands tenements and hereditaments within this State,

Certain aliens empowered, to hold real estate.

and to have and to hold the same to them respectively, and their respective heirs and assigns forever, as fully, to all intents and purposes as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

George
Clarke em-
powered
to hold
real estate.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for George Clarke who is great grand son of George Clarke formerly lieutenant governor of New York, to purchase any lands tenements or hereditaments within this State, and to have and to hold the same, and all other lands tenements and hereditaments, which he may now be entitled to within this State, by purchase of descent to him the said George Clarke first above named his heirs and assigns, to his and their own proper use and behoof forever, and to sell and dispose of the same or any part thereof as fully, to all intents and purposes as any natural born citizen may or can do, any law, usage or custom to the contrary, notwithstanding.

CHAP. 44.

AN ACT for the payment of the salaries of the officers of the government and other contingent charges.

PASSED the 24th of March, 1791.

Annual
appropria-
tion bill.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of the State shall pay out of any unappropriated money in the treasury, the sums of money herein after directed that is to say.

Governor.

To his excellency the governor for administering the government of the State from the first day of July last to the first day of July next, at and after the rate of fifteen hundred pounds.

To the person administering the government of the State for the time being, to defray the incidental charges which may arise in and about administering the government, such sums of money as he shall from time to time, by warrant under his hand and the privy seal of the State draw from the treasury for the purpose, not exceeding in the whole the sum of one hundred and fifty pounds.

Chancellor

To Robert R. Livingston chancellor of the State for his services in that station, from the first day of July last, to the first day of July next, at and after the rate of six hundred pounds.

Supreme
court.

To Richard Morris late chief justice of this State for his services in that station, from the first day of July last, to the day when by the constitution he became disabled to hold the said office, at and after the rate of six hundred pounds.

To Robert Yates now chief justice of the State for his services as one of the judges of the supreme court, from the first day of July last, to the first day of July next, at and after the rate of six hundred pounds.

To John Sloss Hobart one of the judges of the supreme court of the State for his services in that station from the first day of July last until the first day of July next, at and after the six hundred pounds.

To John Lansing Junior one of the judges of of the supreme court of the State for his services in that station from the day of his appointment to that office to the first day of July next, at and after the rate of six hundred pounds for a year.

To the members of the council of appointment at and after the rate of sixteen shillings per day for their attendance in council in the recess of the legislature, and for the time of their travelling from and to their respective places of abode, such travelling charges to be computed at and after the rate of thirty miles per day, according to such accounts as they shall severally produce, certified by the clerk of the said council.

Council of
appoint-
ment.

To each of the members of the senate and assembly, for each and every day they shall have attended in senate and assembly during the present meeting of the legislature, and for each and every day they shall have been, or may be travelling from and to their respective places of abode, to the place of the said meeting of the legislature, the sum of sixteen shillings for each day; such travelling charges to be computed at and after the rate of thirty miles per day, agreeable to such accounts thereof as they shall respectively produce, certified by the president of the senate or the speaker of the assembly, as the case may be; and the account of the president of the senate to be certified by the clerk of the senate, and the account of the speaker of the assembly to be certified by the clerk of the assembly.

Legisla-
ture.

To John McKesson and Abraham B. Bancker clerks of the senate and assembly each the sum of thirty shillings per day for their respective services during the sessions of the legislature; and also the amount of such accounts for monies by them advanced respectively for the use of the senate and assembly, as they shall respectively produce, certified by the president of the senate or speaker of the assembly as the case may require.

To the sergeant at arms at and after the rate of sixteen shillings per day for such time as he has attended the legislature, agreeable to such certificate thereof as he shall produce, signed by the speaker of the assembly.

To the doorkeeper of the senate and assembly, at and after the rate of sixteen shillings per day, agreeable to such certificate thereof as they shall respectively produce, certified by the president of the senate or speaker of the assembly as the case may require.

To the secretary of the State, for attending the legislature for the purpose of receiving the laws, and attending the council of appointment, from the first day of July last, until the first day of July next, at and after the rate of sixty pounds.

Secretary
of state.

To the said secretary for his services in recording the laws, for making copies thereof with marginal notes for the press, and making copies thereof by the direction of the governor or of the senate and assembly, and for ingrossing the minutes of the council of appointment from time to time, at and after the rate of one shilling and six pence per sheet, each sheet to consist of one hundred and twenty eight words. And for every commission of oyer and terminer, and general gaol delivery, and general commission of the peace, issued or to be issued between the first of July last and the first of July next, the sum of twenty shillings, agreeable to such account thereof, as he shall produce, audited by the auditor of this State.

To the secretary to his excellency the governor, at and after of one hundred and twenty five pounds per annum.

To each member of the committee appointed at the last session of the legislature for canvassing and counting the ballots for member elected to serve in the house of representatives of the Congress of the United States, and also for canvassing and counting the ballots for senators of this State, for every day he attended on such service, the same pay, and

State can-
vassers.

also the same allowance for mileage as by this act is allowed to the members of the legislature.

State
treasurer.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for Gerard Bancker treasurer of this State to retain in his own hands the sum of five hundred pounds for his services as treasurer from the first day of July last to the first day of July next and the further sum of four hundred and twenty two pounds four shillings and eight pence for the incidental charges of his said office.

And be it further enacted by the authority aforesaid, That the said treasurer shall pay to the following persons the sums herein after mentioned vizt:

Auditor.

To Peter T. Curtenius auditor for the State the sum of three hundred and fifty pounds for his services as auditor for one year, ending the twenty third day of March instant.

Surveyor-
general.

To Simeon DeWitt, surveyor general, the sum of four hundred pounds as his salary, from the first day of May last, to the first day of May next; he accounting with the said auditor, and paying into the treasury all fees by him during the same period received as surveyor general and the further sum of one thousand seven hundred and forty seven pounds, eight shillings and six pence, being the amount of his account, for causing a survey of the out lines of eighteen townships of the lands set apart for the troops of this State, lately serving in the army of the United States, deducting thereout the sum of five hundred and forty seven pounds, nine shillings and eleven pence half penny, which hath already been received by him on account of the same.

Adjutant-
general.

To Nicholas Fish, adjutant general of the militia of the State, the sum of three hundred and fifty pounds, in full for his salary from the thirteenth day of April last, to the thirteenth day of April next.

Commis-
sary of
stores.

To Sebastian Bauman, commissary of military stores, at and after the rate of forty pounds, for his salary, from the first day of July last, to the first day of July next.

Rent of
executive
mansion.

To his excellency the governor, the further sum of two hundred and sixty pounds, in full for the rent of the house he now resides in, from the first day May last, to the first day of May next.

Indian
affairs.

To the person administering the government for the time being, the sum of six hundred and forty pounds in specie, to pay to the Oneida Onondaga and Cyauga Indians, being the amount of the annuities payable to them in pursuance of certain treaties heretofore concluded between them, and the commissioners on behalf of this State; together also with such farther sum or sums of money for incidental charges attending Indian affairs, as he shall from time to time by warrant under his hand and the privy seal of the State, draw from the treasury, not exceeding in the whole the sum of two hundred pounds.

Attorney-
general.

To Aaron Burr, for his services as attorney general of this State, at and after the rate of four hundred pounds, for his salary, from the first day of July last, to the first day of July next.

And whereas there remains in the hands of the master and wardens of the port of New York, the sum of one thousand two hundred and fifty-two pounds, six shillings and eight pence, arising from the monies received by virtue of the act entitled "An act to lay a duty of tonnage on vessels, for defraying the expences of the light house at Sandy Hook," and the further sum of four hundred and seventy four pounds, and four pence, received for oil and cotton wick, sold to the United States; and the clerk of the said master and wardens hath in his hands the further sum of one hundred and thirty eight pounds, nine shillings and ten pence,

arising by virtue of the said act, after deducting the commission charged by him. Therefore,

Be it further enacted by the authority aforesaid, That the said master and wardens, and their clerk, shall be, and hereby are respectively directed and required, within one month after the passage of this act, to pay the said sums respectively to the treasurer of this State, for the use of the people of this State; and that such payments shall be in full of all balances now due from them, and each of them, on the accounts above mentioned.

Balance in hands of warden of port to be paid into treasury.

And be it further enacted by the authority aforesaid, That the treasurer of this State pay to Pierre Van Cortlandt, Ezra L. Hommedieu, Richard Varick, Peter Gansevoort junior and Abraham Ten Broeck, commissioners appointed by a law of this State, to hold treaties with the Indians, for each and every day they were employed at the late treaty held at Fort Stanwix, in the county of Montgomery, and for each and every day they were travelling from and to their places of abode, to the place of holding the said treaty, at the rate of sixteen shillings per day, agreeable to such accounts thereof, as they shall respectively produce, audited by the auditors of this State.

Indian commissioners.

And be it further enacted by the authority aforesaid, That the treasurer pay to Sampson Occum, the sum of fifteen pounds, according to a resolution of the senate and assembly, requesting the said treasurer to advance the same; and also that the treasurer pay to the following sums vizt.

Sampson Occum.

To Francis Child, for his salary as printer for the State from the eleventh day of January last, to the eleventh day of January next, inclusive, at and after of one hundred pounds per annum, in quarterly payments; and the further sum of twenty five pounds for his extra services, during the present session.

Francis Child.

To James Fairlie, clerk of the courts of oyer and terminer and general gaol delivery for this State, for his services in that station, from the first day of July last, to the first day of July next, at and after the rate of two hundred pounds per annum.

James Fairlie.

And be it further enacted by the authority aforesaid, That the treasurer of this State, pay to each of the commissioners appointed by laws of this State, respecting the district or territory called Vermont, at and after the rate of sixteen shillings per day, for each and every day they shall have been actually employed in that service, or in going to or returning from their several places of abode, together with their incidental charges, agreeably to such accounts thereof, as they shall severally produce, certified by the auditor of the State; the said commissioners at the same time accounting for such sums of money, as they severally have received, towards defraying the said incidental charges.

Vermont commissioners.

And be it further enacted by the authority aforesaid That the treasurer of the State, be, and he is hereby authorised and required, to pay out of any money in the treasurer, not otherwise appropriated, to the order of Gerard Bancker, Richard Varick and John Watts, such farther sums of money not exceeding the sum of two thousand five hundred pounds, as they shall deem necessary for the purpose of completing the house and other buildings directed to be built, in and by the act entitled "An act for securing and improving certain lands in the city of New York, for public uses, and for other purposes therein mentioned;" and also the further sum of eight hundred pounds, to be laid out in furniture, to be long to and be used in the said government house.

Commissioners to complete public buildings in New York city.

And be it further enacted by the authority aforesaid, That the treasurer of this State do sell and dispose of in such way as he shall think most for the interest of the State, all such cannon belonging to the State, as

Sale of cannon.

are in the city of New York, which the commissary of military stores shall judge unfit for service.

Indian
affairs.

And be it further enacted by the authority aforesaid, That his excellency the governor, be, and he is hereby authorised, to draw, (in case he shall deem it necessary) from the treasury of the State a sum not exceeding one thousand pounds, to be by him applied, during the recess of the legislature, in such manner as he shall judge most expedient, to prevent any incursions of hostile Indians into this State.

Commissary
stores to
audit
claims.

And be it further enacted by the authority aforesaid, That the treasurer of this State, be, and he is hereby authorised, to pay to Gerard Bancker, Peter T. Curtenius and Aaron Burr, the sum of one hundred and fifty pounds, for their services as commissioners, appointed by an act, entitled "An act to receive and state accounts and claims against this State.

CHAP. 45.

AN ACT to enable the regents of the university to establish a college of physicians and surgeons within this State.

PASSED the 24th of March, 1791.

College of
physicians
and sur-
geons,
regents to
establish.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the regents of the university, if they shall judge it proper and necessary, and they are hereby authorised, to establish under their common seal, a college of physicians and surgeons, for the sole purpose of promoting medical science, to consist of at least thirteen trustees or members, who shall be vested with such powers and privileges as the said regents shall judge best calculated to answer the purposes of such an institution. *Provided always,* that the amount of the property which the said college shall or may be authorised to hold shall never exceed in value, sixty thousand pounds, current money of New York, and that the said regents reserve to themselves the right of conferring degrees and appointing the professors or teachers of the several branches of the medical science in the said college, and of filling all such vacancies as shall or may arise among the trustees or members thereof. *And provided also,* that any of the trustees of the said college shall in the discretion of the regents of the university, be appointed professors and teachers in the said college, any law to the contrary notwithstanding.

Regents to
establish
name;
powers.

And be it further enacted by the authority aforesaid, That the college so to be established, shall be forthwith thereafter a corporation, and shall be known by such name as the said regents shall direct and appoint, and shall have hold and enjoy to them and their successors, all such powers, rights, privileges and immunities not inconsistent with the constitution and laws of this State, as shall be for that purpose declared by the said regents in their said act of establishment.

CHAP. 46.

AN ACT for the more effectual prevention of fires and to regulate certain buildings in the city of New York.

PASSED the 24th of March, 1791.

WHEREAS the frequent instances of fire, in populous cities, renders it necessary to use every possible precaution against such calamities; Preamble. and whereas the regulation of the buildings of the said city will greatly contribute thereto; therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and is hereby enacted by the authority of the same, Regulations for buildings in certain limits in New York city. That every dwelling house, or other building whatsoever, which shall be erected or built within the said city, to the south and west of a line beginning at the outlet of a meadow of Anthony Lisenard into Hudsons river, and thence running to and along the north side of the dwelling house of Nicholas Bayard, thence to and along the north side of the dwelling house of Richard Platt, and thence to and along the north side of the dwelling house of Abraham Cannon to the East river, consisting of three or more stories, shall be made and constructed of stone or brick, with party or fire walls rising twelve, inches above the roof, and shall be covered (except the flat roof thereof,) with tile or slate or other safe materials against fire, and not with board or shingles: And that the flat of any roof may be covered with boards or shingles; provided such flat do not exceed two equal fifth parts of the space of such roof, and there be erected around the same flat, a substantial balcony or balustrade. And if any dwelling house or other building whatsoever, shall be erected or roofed contrary to this act the proprietor or proprietors thereof, shall for every such offence, forfeit and pay the sum of fifty pounds; and the workmen who shall build or roof such dwelling house or other building, contrary to this act, shall for every such offence forfeit and pay the sum of twenty five pounds, to be recovered with costs of suit in any court of record within this State, by any person or persons who will sue or prosecute for the same to effect; the one moiety or half part of which penalties, when recovered, to be paid to the treasurer or chamberlain of the said city, for the use of the poor thereof.

Provided always, and be it further enacted by the authority aforesaid, Proviso, as to repairs of old buildings. That if any dwelling house or other building, already erected or that shall have been erected within the said city, to the southward and westward of the line aforesaid, before the said first day of January, which will be in the year of our Lord one thousand seven hundred and ninety two, shall, at any time thereafter require to be new roofed, it shall and may be lawful for the proprietor or proprietors thereof, to roof the same with boards or shingles, or in such other way and manner as was customary before the passing of this act; any thing herein contained, to the contrary in any wise notwithstanding.

And whereas it may be expedient to erect dwelling houses and other buildings on new made ground, in divers parts of the said city, where no sufficient foundation can be laid for heavy edifices of stone or brick. Therefore,

Be it further enacted by the authority aforesaid, New made ground, buildings erected on. That it shall be lawful to and for any person or persons, to erect and build any wooden building or buildings on such new made ground, if previous to the erection

of the same such person or persons apply to the corporation of the city of New York, who shall appoint five disinterested capable persons, to view such new made ground, who shall be duly sworn, well and truly to examine and determine the matter; and if the said five persons or the major part of them shall be of opinion that no sufficient foundation can be laid in such place, to bear a building of stone or brick, they shall make a certificate to that purpose, under their respective hands and seals, which certificate shall without delay be delivered to the clerk of the said city, and be filed in his office, and shall be and hereby is declared to be good evidence of such insufficiency on any trial, upon prosecution for erecting such building, contrary to this act.

Proviso,
as to
churches
and public
buildings.

Provided always and be it further enacted by the authority aforesaid, That all roofs, coverings of steeples, cupolas, and spires of churches, and other public buildings, may be made of boards and shingles, any thing in this act to the contrary hereof notwithstanding.

CHAP. 47.

AN ACT for the relief of Morris Graham, Charles Graham and Hugh Rea.

PASSED the 24th of March, 1791.

Preamble. WHEREAS Morris Graham, Charles Graham and Hugh Rea, together with sundry other creditors, have presented a petition to the legislature, stating that the said Morris Graham and Charles Graham, were joint partners in trade, before the late war, under the style and firm of Morris and Charles Graham; and that the said Morris Graham and Hugh Rea, were also joint partners in trade, before the late war, under the style and firm of Graham and Rea; and that the said Morris Graham, Charles Graham and Hugh Rea, by a series of misfortunes, had become insolvent, and likewise stating that some of their creditors had proved insolvent, and that in consequence thereof, their estates are vested in assignees or trustees, and praying that the legislature would enable the said assignees or trustees, to concur, if they should think fit, with the other creditors of the said Morris Graham, Charles Graham and Hugh Rea, in obtaining for the said Morris Graham, Charles Graham and Hugh Rea, the relief granted by the act, entitled "An act for giving relief in cases of insolvency" therefore

Assignees
of credit-
ors of par-
ties of
names
may join
in petition.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for such persons respectively, in whom the estates of such of the creditors of the said Morris Graham, and Charles Graham jointly, as partners in trade, under the style and firm of Morris and Charles Graham, or of the said Morris Graham and Hugh Rea jointly, as partners in trade, under the style and firm of Graham and Rea, or of the said Morris Graham, Charles Graham and Hugh Rea separately, as aforesaid, as have proved insolvent, are vested in due form of law, either as assignees or trustees or otherwise to become petitioners if they shall think fit, for the said Morris Graham and Charles Graham jointly, as partners in trade, under the said style and firm of Morris and Charles Graham, or for the said Morris Graham and Hugh Rea jointly, as partners in trade, under the said style and firm of Graham and Rea, or for the said Morris Graham, Charles Graham and Hugh

Rea separately, as aforesaid, for and on account of the debts bona fide due and owing to the respective estates vested as aforesaid in the said assignees or trustees respectively; and thereupon to do and perform every act, matter and thing, which shall be proper and necessary, to enable the said Morris Graham, Charles Graham and Hugh Rea, both jointly and separately as aforesaid, to obtain the relief granted by the aforesaid act, entitled "An act for giving relief in cases of insolvency."

And be it further enacted by the authority aforesaid, That it shall be and hereby is declared to be necessary for the assignees or trustees above named, who shall become petitioners for the said Morris Graham, Charles Graham and Hugh Rea, as aforesaid, to deliver unto the chancellor, justice or court, mentioned in the aforesaid act, entitled "An act for giving relief in cases of insolvency," the original accounts, or authenticated copies thereof, and the original specialties, if any, whereupon the debts for which they shall respectively become petitioners as aforesaid, have arisen.

Original accounts or certified copies to be presented to the court.

Provided always nevertheless that the several assignees or trustees, hereby authorised to become petitioners for the said Morris Graham, Charles Graham and Hugh Rea, as aforesaid, to annex to the petition to be presented to the said chancellor, justice or court, an affidavit of each petitioning assignee or trustee, made before the said chancellor, justice or judge, that the sum annexed to the name of such petitioning assignee or trustee is, as the deponent verily believes, justly due to the estate vested in him as assignee, or trustee, or as one of the assignees or trustees; and that neither he the deponent, nor any other person to the use of him the deponent, or to the use of the estate vested in him as aforesaid, to the deponents knowledge or belief, hath received from the said Morris Graham, Charles Graham and Hugh Rea, or any or either of them, or any other person any payment of part of the sum aforesaid, in money or by sale, conveyance, assignment or delivery of any lands, tenements, hereditaments, goods, chattels or any thing or things in action, or any gift or reward whatsoever, upon any express, secret or implied contract, promise, engagement, intent, trust or confidence, that he should become a petitioner for and in behalf of the said Morris Graham, Charles Graham and Hugh Rea, or either of them, any law, usage or custom to the contrary thereof in any wise notwithstanding.

Affidavit to be annexed to petition.

CHAP. 48.

AN ACT for erecting a building for the preservation of the records and public papers of this State.

PASSED the 24th of March, 1791.

WHEREAS the records and public papers belonging to this State are in their present place of keeping, in great danger of being destroyed by fire or otherwise lost. Therefore,

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Alexander Macomb, John Pintard and Lewis Allaire Scott, be and hereby are authorised to erect on the lot where the secretary of the State now resides, a building of such construction as to be proof against fire, to be appropriated for the purpose of the preservation and safe keeping

Commissioners to erect building for use of secretary's office.

the records of this State, and for transacting the business of the office of the said secretary.

Proviso as
to expense

Provided, the expence of erecting such building shall not exceed the sum of three hundred and seventy five pounds.

Appropriation.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this State, to pay to the persons in this act named, the said sum of three hundred and seventy five pounds, for the purpose above mentioned, out of any money in the treasury, not otherwise appropriated.

CHAP. 49.

AN ACT directing the treasurer of this State to subscribe to the bank of the United States.

PASSED the 24th of March, 1791.

State
treasurer
to sub-
scribe for
shares in
Bank of
the United
States;
appropriation.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this State for the time being, and he is hereby directed as soon as conveniently may be, to subscribe in his own name as treasurer of this State, one hundred and ninety shares to the bank of the United States, and to pay such sum as may be necessary to be paid in specie on such subscription out of any money which now is or hereafter may be in the treasury not otherwise appropriated, and to pay such part of the said subscription as is to be paid in stock of the United States bearing an interest of six per cent. out of the stock he shall receive by virtue of the act entitled "An act for the relief of the creditors of this State."

Treasurer
to act as
agent of
State in
affairs of
bank.

And be it further enacted by the authority aforesaid, That the treasurer of this State for the time being, shall from time to time vote for directors of the said bank, and manage, do, and transact all matters and things in respect to the said shares, in the same manner as any other stockholders in the said bank may do by law; and shall also from time to time receive all dividends on the said shares for the use of this State.

CHAP. 50.

AN ACT to regulate waggons in the county of Suffolk.

PASSED the 24th of March, 1791.

Waggons,
regulation
of, in
Suffolk
county.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all waggons which shall be used after the first day of March next on the highway in Suffolk county by the inhabitants thereof shall be so constructed that the space between the ruts or tracts, which shall be made by such waggon wheels, shall be from the outer edge of one rut or tract, to the outer edge, of the other rut or tract, five feet two inches, and not more nor less under the penalty of forty shillings for every offence. And if any person or persons being an inhabitant or inhabitants of the said county shall use on the highway after the said first day

of March next, any waggon contrary to the true intent and meaning of this act, such person or persons for every such offence shall forfeit and be subject to the said penalty of forty shillings to be recovered with costs of suit before any justice of the peace in an action of debt by any one or more of the commissioners of the highways of the towns where the offence may be committed, the one half of the said penalty to his or their own use, and the other half for the use of the town to be applied by the said commissioners in repairing the roads in their respective towns.

CHAP. 51.

AN ACT for the relief of Cornelius Oakley and others.

PASSED the 24th of March, 1791.

WHEREAS it appears that Isaac Oakley late of the county of Westchester did on the eleventh day of November in the year one thousand seven hundred and eighty four, pay to the treasurer of this State in discharge of a bond given by him to Frederick Philipse, a greater sum in public securities than was due on the same. And it also appears that Henry Lambert of the said county did pay to the said treasurer, a sum in the said securities on a bond supposed to have been executed by him to the said Frederick Philipse, but which has since been discovered was given to the late Charles Williams, and as it is proper that provision should be made for repaying to the said persons or their representatives the sums before mentioned. Therefore,

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by authority of the same, That it shall be lawful for the treasurer of this State, and he is hereby directed to deliver to Cornelius Oakley, executor of the last will and testament of the said Isaac Oakley, the certificates which the said Isaac Oakley paid into the treasury as aforesaid amounting to the sum of one hundred and fifty three pounds, fourteen shillings and five pence or in certificates of the like kind, amounting to the said sum, with interest at the rate of five per cent per annum from the eighteenth day of November in the year one thousand seven hundred and eighty nine, until paid.

Preamble.

Cornelius Oakley, delivery of certificates to.

And be it further enacted by the authority aforesaid, That it shall be lawful for the said treasurer and he is hereby directed, to deliver to the said Henry Lambert the certificate which he paid into the treasury as aforesaid, amounting to seventy pounds ten shillings, or in certificates of the like kind amounting to the said sum of seventy pounds ten shillings with interest at five per cent per annum from the twenty first day of October in the year seventeen hundred and eighty-five.

Henry Lambert, delivery of certificate to.

And be it further enacted by the authority aforesaid, That the attorney general of this State be and he is hereby directed, to defend the suit now pending against Catharine Van Allen executrix of John Van Allen deceased for the moiety of a sloop sold by the commissioners of sequestration of the county of Albany as the property of Melcher Hoffnagel, and in case of a recovery against the said Catharine, the treasurer is hereby authorized to pay the amount of the same upon the attorney general certifying to the exact sum so recovered, and such release, or indemnification being previously obtained in writing as the attorney general shall approve of.

Attorney-general to defend action against estate of John Van Allen.

CHAP. 52.

AN ACT to alter the time of meeting of the committee for canvassing the votes for representatives of this State, in the Congress of the United States.

PASSED the 24th of March, 1791.

Time of
canvassing
votes for
congress-
men
changed.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by authority of the same, That the committee appointed, or who shall at any time hereafter be appointed, to canvass the votes for representative or representatives of this State in the Congress of the United States, shall meet on the Tuesday next before the last Tuesday of May in every year, except as hereafter enacted, anything in the act entitled "An act directing the times places and manner of electing representatives in this State for the Congress of the United States of America," to the contrary notwithstanding.

Time of
canvass for
current
year.

And be it further enacted by the authority aforesaid, That the committee appointed in the present year, for the purpose of canvassing the votes, for representative to Congress, shall meet on the same day that they are directed by law to meet and canvass the votes for governor lieutenant governor and senators.

CHAP. 53.

AN ACT concerning roads and inland navigation, and for other purposes.

PASSED the 24th of March, 1791.

Road to be
surveyed
from Wal-
ton to
Paghka-
taghcan.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office, to agree or contract with such person or persons as they shall judge proper, for exploring, laying out and opening a road, to begin on any part of the west branch of the Delaware, at or about Walton, to extend easterly to Paghkataghcan, with such variation, and in such direction as the said commissioners shall judge most eligible and conducive to the interest of the State.

Appropri-
ation for
same.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, from time to time, to draw from the treasury, by warrant from his excellency the governor, for the purpose of defraying the expences of exploring laying out and opening said road, such sums of money as they shall judge necessary, not exceeding the sum of four hundred pounds; and that all such surplus money, as shall remain in the hands of the commissioners, of the monies heretofore granted for laying out the road beginning on the road that leads from Kingston to Peen Pack and extending westward as far and in such direction as the said commissioners should judge most conducive to the interest of the State, shall be applied by them in improving the road from Paghkataghcan to Great Shandaken.

Improve-
ment of
road from
Paghka-
taghcan to
Great
Shanda-
ken.

Survey to
be made
for canals
from Mo-

And be it further enacted by the authority aforesaid, That the commissioners of the land office, be, and they hereby are authorised to cause to be explored, and the necessary survey made, of the ground situate

between the Mohawk river, at or near Fort Stanwix, and the Wood creek, in the county of Herkimer; and also between the Hudson river and Wood creek, in the county of Washington; and to cause an estimate to be made, of the probable expence that will attend the making canals, sufficient for loaded boats to pass; and report the same to the legislature at their next meeting. And the treasurer of the State is hereby authorised to pay unto the said commissioners such sum or sums of money, as shall be necessary to defray the expence thereof not exceeding in the whole the sum of one hundred pounds.

hawk and
Hudson
rivers.

And be it further enacted by the authority aforesaid, That the second section of an act, entitled "An act to amend an act, entitled An act for the better laying out, regulating and keeping in repair, all common and public high ways," passed the twentieth of April one thousand, seven hundred and eighty seven be and the same is hereby extended to the county of Ulster (except as to low lands on the Esopus kill) any thing in any law of this State, to the contrary notwithstanding.

Section of
act recited
extended
to Ulster
county.

CHAP. 54.

AN ACT concerning the collection and commutation of quit rents, and for other purposes.

PASSED the 24th of March, 1791.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by authority of the same, That all arrears of quit rents, which shall be due and unpaid at any time after the first day of May next, and before the first day of May which will be in the year one thousand seven hundred and ninety three, and which were heretofore receivable in certificates, issued by the treasurer or auditor of this State, or by the auditors appointed to liquidate and settle the depreciation of the pay, of the line of the troops of this State, in the service of the United States, shall after the first day of May next, be receivable in any stock, created under the authority of the United States. And after the time last above mentioned, all arrears which shall become due, shall be only receivable in gold or silver, or bills of credit emitted in pursuance of the laws of this State.

Arrears of
quit rents,
how paid.

And be it further enacted by the authority aforesaid, That all persons, from whom quit rents may be due, after the passing of this act, shall be at liberty to commute for the same, by paying at the rate of fourteen shillings for every shilling, which shall annually become due, for such quit rent, and every such payment, shall be considered as a discharge of the quit rent, arising from the land for which it shall be paid, and within the times herein before limited, for making the arrears of quit rents, receivable, in stock created under the authority of the United States, the said commutation shall be receivable in the said stock, but after the said time herein before limited the said commutation shall be paid in gold or silver only, or the bills of credit emitted by the laws of this State. *Provided nevertheless,* that this act shall not extend to any person or persons, not being citizens of this State, or of any of the United States.

Commuta-
tion of
quit rents,
rate of.

And be it further enacted by the authority aforesaid, That the fifth section of the act, entitled "An act to amend an act, entitled "An act for

Part of act
recited
repealed.

the collection and commutation of quit rents," passed the 11th day of April 1787, shall be, and the same is hereby repealed.

Bounty
for white
mulberry
trees

And be it further enacted by the authority aforesaid, That the treasurer of the State shall, and he is hereby directed to pay, to any person being a citizen of this State, who shall produce to him a certificate under the hand and seal of the judge of the court of common pleas, of the county where such person may reside, certifying that he or she has growing on his or her farm fifty white mulberry trees, which trees have been planted three years, and at least twenty feet distant from each other, the sum of six shillings; and the like sum for every fifty trees, which he or she shall have planted, in manner aforesaid, until the whole number amounts to two hundred.

L A W S

OF THE

S T A T E O F N E W - Y O R K ,

P A S S E D A T T H E

F I F T E E N T H S E S S I O N O F T H E L E G I S L A T U R E .

C H A P . 1 .

A N A C T t o a u t h o r i z e t h e t r e a s u r e r t o s u b s c r i b e t o t h e b a n k o f
N e w Y o r k .

P A S S E D t h e 1 2 t h o f J a n u a r y , 1 7 9 2 .

W H E R E A S b y t h e a c t e n t i t l e d " A n a c t t o i n c o r p o r a t e t h e s t o c k h o l d e r s Preamble.
o f t h e b a n k o f N e w Y o r k " i t i s e n a c t e d , t h a t t h i s S t a t e s h a l l h a v e a
r i g h t t o s u b s c r i b e a n y n u m b e r o f s h a r e s t o t h e s a i d b a n k , n o t e x c e e d -
i n g , i n t h e w h o l e , t h e n u m b e r o f o n e h u n d r e d , a t a n y t i m e w h e n t h e y
s h a l l b y l a w a u t h o r i z e a n y p e r s o n o r p e r s o n s f o r t h a t p u r p o s e , a n d t h e
S t a t e s h a l l h a v e a r i g h t t o i n c r e a s e t h e n u m b e r o f s h a r e s a n d s t o c k
w h i c h t h e s a i d c o r p o r a t i o n m a y h o l d t o t h e a m o u n t o f t h e s u m t o b e
s u b s c r i b e d , i f t h e n u m b e r o f s h a r e s t h e r e i n l i m i t e d s h a l l b e s u b s c r i b e d
b e f o r e s u c h s u b s c r i p t i o n s h a l l t a k e p l a c e o n t h e p a r t o f t h e S t a t e . *And*
whereas t h e n u m b e r o f s h a r e s l i m i t e d t o t h e s a i d c o r p o r a t i o n h a v e b e e n
a l r e a d y s u b s c r i b e d , a n d i t i s c o n c e i v e d p r o p e r , t h a t t h i s S t a t e s h o u l d
s u b s c r i b e o n e h u n d r e d s h a r e s t o t h e s a i d b a n k . T h e r e f o r e

Be it enacted by the People of the State of New York, represented in Treasurer
Senate and Assembly, and it is hereby enacted by the authority of the same, to sub-
T h a t i t s h a l l a n d m a y b e l a w f u l t o a n d f o r t h e t r e a s u r e r o f t h i s S t a t e , scribe for
a n d h e i s h e r e b y a u t h o r i z e d a n d d i r e c t e d , t o s u b s c r i b e a s s o o n a s c o n - 100 shares
v e n i e n t l y m a y b e , f o r a n d i n b e h a l f o f t h i s S t a t e , o n e h u n d r e d s h a r e s of Bank of
t o t h e s a i d b a n k , a n d t o p a y f o r t h e s a m e o u t o f a n y m o n i e s i n t h e New York.
t r e a s u r y n o t o t h e r w i s e a p p r o p r i a t e d .

And be it further enacted by the authority aforesaid, T h a t i t s h a l l a n d Treasurer
m a y b e l a w f u l t o a n d f o r t h e t r e a s u r e r o f t h i s S t a t e f o r t h e t i m e b e i n g to act for
f r o m t i m e t o t i m e t o v o t e f o r d i r e c t o r s o f t h e s a i d b a n k , f o r a n d i n State in
r e s p e c t t o t h e s a i d o n e h u n d r e d s h a r e s f o r a n d i n b e h a l f o f t h i s S t a t e , respect to
bank.

and to receive the dividends and profits of the said shares, and keep the same in the treasury of this State until disposed of by law.

Stock of
bank in-
creased
\$50,000.

And be it further enacted by the authority aforesaid, That the shares in the said bank shall be and hereby are increased from one thousand eight hundred being the number limited by the said act, to one thousand and nine hundred shares; and that the stock of the said bank shall be and hereby is increased fifty thousand dollars, being the sum to be paid the said one hundred shares to be subscribed by the treasurer, of this State as aforesaid,

CHAP. 2.

AN ACT to repeal an act entitled "An act to regulate waggons in the county of Suffolk.

PASSED the 20th of January, 1792.

Act recited
repealed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act entitled "An act to regulate the waggons in the county of Suffolk" passed the twenty fourth day of March one thousand seven hundred and ninety one, be and the same is hereby repealed.

CHAP. 3.

AN ACT for altering the times of holding the courts in the counties of Rensselaer and Saratoga and for an additional term, in each of the said counties.

PASSED the 20th of January, 1792.

Preamble.

WHEREAS it has been represented to the legislature that the times of holding the courts of common pleas and general sessions of the peace in and for the counties of Rensselaer and Saratoga are inconvenient, and that an additional term is requisite in each of the said counties. Therefore

Terms of
courts in
Rensselaer
county.

I. Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the court of common pleas and general sessions of the peace in and for the said county of Rensselaer instead of the times now prescribed by law for holding the same courts shall, from and after the first day of July next, be holden as follows that is to say: The said courts of common pleas in and for the said county of Rensselaer shall be held on the second Tuesday of November, the third Tuesday in February and second Tuesday in June in every year and may be continued until the several Saturdays next following, inclusive. And that the courts of general sessions of the peace, in and for the said county of Rensselaer shall be held on the second Tuesdays in June and November in every year at the place where the court of common pleas shall be then holden and may continue to be held until the end of that term of the same court of common pleas, and that the said court of common pleas, to be held in and for the said county of Rensselaer on the second Tuesday in November next shall at the end of the term be

adjourned to the third Tuesday in February then next. And that the said court of general sessions of the peace to be held in and for the said county of Rensselaer on the said second Tuesday in November next shall at the end of the said term be adjourned to the said second Tuesday in June then next.

And be it further enacted by the authority aforesaid, That the courts of common pleas and general sessions of the peace in and for the county of Saratoga instead of the times now prescribed by law for holding the same courts shall from and after the first day of July next, be holden as follows, that is to say the said courts of common pleas in and for the said county of Saratoga shall be held on the third Tuesday in November the last Tuesday in February and third Tuesday in June in every year and may be continued until the several Saturdays next following inclusive. And that the said courts of general sessions of the peace in and for the said county of Saratoga shall be held on the third Tuesday of June and last Tuesday in February in every year at the place where the court of common pleas shall be then holden, and may continue to be held until the end of that term of the same court of common pleas. And the said court of common pleas and general sessions of the peace to be held in and for the said county of Saratoga on the third Tuesday in November next shall at the end of the term be adjourned to the last Tuesday in February then next.

Id., Saratoga county.

CHAP. 4.

AN ACT to explain an act entitled "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New York."

PASSED the 26th of January, 1792.

WHEREAS the act entitled "An act for the more effectual prevention of fires and to regulate certain buildings in the city of New York" was intended to take effect on the first day of January in the year of our Lord one thousand seven hundred and ninety two, but by a mistake in the said act, the same took effect on the twenty fourth day of March, in the year of our Lord one thousand seven hundred and ninety one, the day of passing the said act. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all fines, penalties and forfeitures for any offence or offences against the said act committed done or suffered at any time before the said first day of January in the year of our Lord one thousand seven hundred and ninety two, shall be and hereby are remitted, and the said act shall hereafter be adjudged to have taken effect on the said first day of January in the year of our Lord one thousand seven hundred and ninety two, and not before.

Preamble.

Penalties remitted for acts done prior to January 1, 1792.

CHAP. 5.

AN ACT to remove doubts concerning commissioners of oyer and terminer, and gaol delivery.

PASSED the 26th of January, 1792.

Preamble.

WHEREAS in and by an act entitled "An act requiring all persons, holding offices or places under the government of this State to take the oaths therein mentioned" certain officers therein mentioned are required to take the oaths therein prescribed. *And whereas* doubts have lately arisen, whether commissioners of oyer and terminer and gaol delivery are not obliged to take some or one of the said oaths, and whether their proceedings are not void in case they neglect to take the same. *And whereas* it is conceived, that the commissioners, in any commission of oyer and terminer, not taking any or either of the oaths in the said act mentioned will not invalidate their proceedings. Therefore

Proceed-
ings not
voidable
for failure
of com-
missioners
to take
oath.

Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same, That no proceeding whatsoever already had or hereafter to be had before any commissioner named in any commission of oyer and terminer and gaol delivery or either of them, already issued, or hereafter to be issued, shall be void or voidable, or in any manner impeached, for or by reason or on account of the commissioners therein named, or any or either of them not taking or not having taken the oaths in the said act mentioned or any or either of them, but that all and every indictment, process, proceeding, order and judgment had made or given, or to be had made or given, by or before any commissioners, named in any commission of oyer and terminer and gaol delivery issued or to be issued, without taking any or either of the oaths in the said act mentioned shall be as good valid and effectual to all intents and purposes, as if every of the said commissioners had taken the oaths prescribed in and by the said act, or any or either of them.

Judicial
officers
not to
take oath;
others.

And be it further enacted by the authority aforesaid, That it shall not be necessary for any commissioner of oyer and terminer and gaol delivery or either of them, who doth or shall at the time of executing or acting in the execution of such commission, hold any judicial office in this State to take any or either of the oaths mentioned in the said act, but every other person named in any such commission shall before he takes his seat in court as a commissioner, take and subscribe the oath of abjuration and allegiance mentioned in the said act, and also the oath therein prescribed to be taken by judicial officers.

CHAP. 6.

AN ACT to prevent obstructions to docks and wharves in the city of Albany and to increase the number of firemen in the said city.

PASSED the 4th of February, 1792.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of July next, if any ballast or lading, consisting of earth gravel stones or shell shall be discharged from any vessel into the channel of Hudsons river opposite to the city of Albany, or into any dock or upon any wharf within the said city, the master or commander owner or owners of such vessel shall for every such offence, forfeit and pay to the wharfinger having charge of such dock or wharf, the sum of ten shillings to be recovered in the name of such wharfinger before any court having cognizance of the same. *Provided nevertheless,* that ballast or lading of the description aforesaid may by and with the consent of such wharfinger be unladen and discharged into any such dock, or upon any such wharf there to remain for such time as the wharfinger shall specify and limit.

Penalty for discharging ballast on wharves in Albany.

And be it further enacted by the authority aforesaid, That if any master or commander, owner or owners, of any vessel, craft, boat or flat, having discharged any ballast or lading of the description aforesaid, upon any wharf with the consent of the wharfinger having charge of the said wharf shall neglect or refuse for the space of two days beyond the time so specified and limited as aforesaid to remove the same such master or commander owner or owners, shall forfeit and pay to such wharfinger the sum of ten shillings for every such neglect or refusal to be recovered as aforesaid.

Penalty for failure to remove discharged ballast.

And whereas it is represented, that the number of sixty firemen are insufficient for the city of Albany. Therefore

Be it enacted by the authority aforesaid, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the said city, in common council convened, to increase the number of firemen which have been appointed in pursuance of an act entitled An act for the better extinguishing fires in the city of Albany, to the number of eighty firemen who shall be regulated and governed in the same manner, be liable to the same penalties, and entitled to the same privileges and exemptions, as are mentioned in the said last mentioned act.

Number of firemen increased.

CHAP. 7.

AN ACT to authorise the sheriff of the city and county of Albany to remove the prisoners from the old to the new gaol lately erected in the said county.

PASSED the 4th of February, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the gaol lately erected by law in the city and county of Albany shall be the gaol of the said city and county.

New jail declared jail of county.

Removal
of prison-
ers to new
jail.

And be it further enacted by the authority aforesaid, That the sheriff of the city and county of Albany, shall on or before the thirty first day of March next, remove all the prisoners whether committed by process directed to the sheriff of Albany, or by any court of justice in the same city and county, or by process directed to the sheriff of either of the counties of Washington, Clinton, Rensselaer or Saratoga, or by any court of justice in either of the said counties, from the old gaol of the county of Albany, to the new gaol aforesaid, and there keep them and each of them in safe custody, until they are respectively discharged by due course of law.

Sheriffs
liable for
escape
on account
of removal

And be it further enacted by the authority aforesaid, That neither the sheriff of the city and county of Albany, nor the gaoler of the said city and county of Albany, nor the sheriffs of the counties of Washington, Clinton, Rensselaer or Saratoga, shall be liable to any action or actions of escape, or other action at law, for the removal of the said prisoners, or either of them; and that if any action, bill, plaint, suit or information shall be commenced or prosecuted against the said sheriff, for removing the said prisoners, or either of them, in pursuance of this act, it shall be lawful for such sheriff to plead the general issue, and to give this act, and the special matter in evidence. And if the plaintiff or prosecutor in any such action, bill, plaint, suit or information, shall become non suit, or discontinue, or cease to prosecute the same, or if a verdict or judgment be given against him or her, the defendant shall recover double costs, for which he shall have like remedy, as in other cases where costs are given by law to defendants.

Sheriff
liable for
escape if
prisoner
not re-
taken in
60 days.

And be it further enacted by the authority aforesaid, That in case any prisoner or prisoners shall escape from the custody of the sheriff of the said city and county of Albany, during the time of his or her removal, and the sheriff shall not retake such prisoner or prisoners, and confine him, her or them, in the gaol to which he, she or they ought to be removed by virtue of this act, within sixty days next after such escape made; the said sheriff shall be liable to all actions, for such escape or escapes.

Old jail
not to be
used after
time fixed.

An be it further enacted by the authority aforesaid,* That the late gaol of the county of Albany aforesaid, shall not after the thirty first day of March aforesaid, be deemed the gaol of the said county.

Prisoners
from cer-
tain coun-
ties to be
confined
in new
jail.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, for all courts and officers, in the counties of Washington, Clinton Rensselaer and Saratoga, in all cases civil and criminal to confine their prisoners in the gaol of the county of Albany lately erected as aforesaid, until a gaol shall be provided in each of the said counties respectively, any law to the contrary thereof in any wise notwithstanding.

CHAP. 8.

AN ACT for building a court house and gaol in the county of Tioga.

PASSED the 18th of February, 1792.

Preamble. WHEREAS the judges justices and supervisors of the county of Tioga, have by their petition requested the legislature, to enable them by law

* So in original.

to raise a sum of money to build a court house and gaol in the said county. Therefore,

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That the supervisors of the several towns in the said county, for the time being, or a major part of them, shall be, and they are hereby authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of three hundred pounds, for building a court house and gaol in the said county, with an additional sum of nine pence in the pound, for collecting the same; which said sums shall be raised levied and collected in like manner as the other necessary and contingent charges of the county, are levied and collected.

Tax levy in Tioga county for court-house and jail.

And be it further enacted, That the supervisors of the county of Tioga, or the major part of them, shall meet at the dwelling house of Nehemiah Spalding, near Nanticoke, in the same county, on the last Tuesday of May next, for the purpose of directing the said sum of three hundred pounds, together with the poundage for collecting the same, to be raised and levied; and the clerk of the supervisors of the said county is hereby directed to notify the supervisors of such meeting.

Meeting of supervisors to levy tax.

And be it further enacted, That the said sum of three hundred pounds shall be collected and paid to the treasurer of the said county, on or before the first day of October, one thousand seven hundred and ninety three.

Time in which tax to be paid.

And be it further enacted, That the supervisors and judges of the court of common pleas in the said county, shall on the first Tuesday of May next, assemble together, and appoint three commissioners, to superintend the building of the court house and gaol aforesaid, which said gaol and court house, shall be erected east of the Nanticoke creek, at the place fixed by the justices and supervisors of the said county, at a meeting for that purpose, on the twelfth day of July last, upon such plan as the said commissioners or a majority of them shall think most conducive to the interest of the said county; and that the said commissioners, or a majority of them, shall and may contract with workmen, and purchase materials for erecting the said court house and gaol, and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purpose aforesaid, as shall come into the treasury of the said county, by virtue of this act: And the said treasurer is hereby required out of the monies aforesaid to pay to the order of the said commissioners, the several sums to be by them drawn for as aforesaid. And such commissioners shall account with the supervisors of the said county for the monies they so shall receive or draw for as aforesaid, when thereunto required.

Commissioners to superintend erection.

And be it further enacted, That the court of common pleas and general sessions of the peace, for the same county, shall after the end of the term to be held on the fourth Tuesday in June next, be adjourned to, and held at the dwelling house of Nehemiah Spalding, situate near Nanticoke creek aforesaid, until the court house aforesaid shall be built, and fit for the reception of the said court.

Courts, where to be held before completion of court-house.

And be it further enacted, That it shall and may be lawful for the treasurer of the said county, to retain in his hands the sum of three pence in the pound, for his trouble in receiving and paying out the monies directed to be raised by this act.

Treasurer, fees of.

CHAP. 9.

AN ACT to increase the number of firemen in the city of New York.

PASSED the 18th of February, 1792.

Preamble. WHEREAS in and by the statute entitled "An act for the better extinguishing of fires in the city of New York," the mayor, aldermen and commonalty of the city of New York, in common council convened, or the major part of them, were authorized and required to nominate and appoint a sufficient number of strong, able, discreet, honest and sober men, willing to accept, not exceeding three hundred in number of the inhabitants of the said city, to be the firemen of the city of New York. *And whereas* the said city is considerably enlarged, and the number of fire engines belonging to the said city is greatly increased and increasing, and the present number of firemen insufficient to work the same, and otherwise conduct the extinguishing of fires in the said city; therefore,

Number of
firemen in
New York
city in-
creased.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of New York, in common council convened, or the major part of them, from time to time to nominate and appoint such further number of able, discreet, honest and sober men, of the inhabitants of the said city, as they shall deem necessary for the purpose, not exceeding one hundred and fifty in the whole, to be added to the number of the firemen of the city of New York, in like manner as directed in and by the above in part recited act: Which said firemen so to be nominated and appointed by virtue of this act, shall be entitled to the same privileges and exemptions, be subject to the like rules, orders, ordinances and regulations, and liable to the same fines, penalties and forfeitures, which the firemen appointed, or to be appointed by virtue of the said in part recited act, are entitled, subject or liable to.

Common
council
may re-
move fire-
men at
their
pleasure.

And be it further enacted, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of New York, in common council convened, or the major part of them, to remove and displace all or any of the firemen, to be nominated and appointed by virtue of this act, when and as often as they shall think fit, and others in their room to nominate and appoint, and so from time to time, as they the said mayor, aldermen and commonalty of the said city, in common council convened for the time being, shall think proper.

CHAP. 10.

AN ACT to enable the mayor recorder and aldermen of the city of New York, to order the raising monies by tax for the maintenance of the poor, and for defraying the other contingent expences, arising in the city and county of New York.

PASSED the 18th of February, 1792.

Tax levy
in New
York city
for con-
tingent
charges.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the mayor, recorder and aldermen of the city of New York, or the major part of them, of whom the mayor or recorder to be one, shall be, and hereby are fully authorised and empowered,

as soon as conveniently may be, after the passing of this act, to order the raising a sum not exceeding eight thousand six hundred pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county, the bridewell and the criminals from time to time confined in the prison of the said city and county, and to the repairing and maintaining the public roads, regulating and improving the streets, and for paying the other contingent expenses arising within and properly chargeable to the said city and county.

And be it further enacted, That it shall and may be lawful for the mayor, recorder and aldermen aforesaid, or the major part of them, of whom the mayor or recorder to be one, as soon as conveniently may be after the passing of this act, to order the raising a further sum, not exceeding two thousand four hundred pounds, to be assessed raised and collected, in the manner aforesaid, to be applied to compleating the improvements at the Battery, and about the government house, and making improvements in front of the gaol, alms house and bridewell, in the said city.

Id., for improvements at the Battery.

And be it further enacted, That it shall and may be lawful for the mayor, recorder and aldermen aforesaid, or the major part of them of whom the mayor or recorder to be one, as soon as conveniently may be after the passing of this act, to order the raising a further sum, not exceeding five thousand pounds, by a tax on the estates real and personal of the freeholders and inhabitants within the said city, on the south side of a line beginning at the out let of the meadows of Anthony Lisenard into Hudsons river, thence extending to and along the north side of the dwelling house of Nicholas Bayard, thence to and along the north side of the dwelling house of Morgan Lewis Esquire, and thence to and along the north side of the dwelling house late of Abraham Cannon to the East river, to be applied to the payment of so many watchmen, as the mayor, aldermen and commonalty of the said city, in common council convened, shall from time to time think necessary for guarding the said city; and also the purchasing oil, providing lamps, and repairing and attending the lamps, which now are, and from time to time hereafter may be erected within the said city; and for the payment of such other contingent charges of the said city, arising within the limits above mentioned, and properly chargeable thereto, as the mayor aldermen and commonalty of the said city, in common council convened, shall from time to time think necessary, and from time to time direct. Which said several sums of money, shall be rated and assessed, according to the estate of each respective person so to be taxed, and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time as the said mayor recorder and aldermen, or a major part of them, shall direct and appoint; any thing in the second section of the statute entitled "An act for the more effectual collection of taxes in the city and county of New York" contained, to the contrary notwithstanding.

Id., for night watch and street lighting.

And be it further enacted, That it shall and may be lawful, for the collectors in the seventh ward of the said city, to retain in their hands the sum of one shilling in the pound, and the collectors in the several other wards, the sum of nine pence in the pound, and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall and may be lawful for the said treasurer or chamberlain to retain in his hands the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said monies.

Fees of collectors and chamberlain.

CHAP. 11.

AN ACT to authorize the corporation of the Reformed Protestant Low Dutch church, at New Utrecht, in Kings county, to sell and dispose of certain lands, for the benefit of the said church.

PASSED the 18th of February, 1792.

Preamble. WHEREAS the trustees of the Reformed Protestant Low Dutch church, at New Utrecht, in Kings county, have by their petition to the legislature prayed for leave to sell, for the benefit of the said church, certain lands belonging to the said church, in the town of New Utrecht aforesaid: Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That full power, good right and lawful authority, shall be, and hereby is granted to the trustees of the said church, to sell and alien in fee, all right and title belonging to the said church, or vested in them as its trustees, of and in all such lands, situate, lying and being in the town of New Utrecht, in Kings county, as they shall, from time to time, deem necessary for the advancement of the interest, and promoting the prosperity of the said church. *Provided always,* that the lands so to be sold, by virtue of this act, shall not exceed in quantity twenty six acres.

Church named may sell property for benefit of church.

CHAP. 12.

AN ACT for the better laying out and keeing in repair, the public highways and private roads in the county of West-Chester.

PASSED the 24th of February, 1792.

Be it enacted by the people of the State of New York represented in Senate and Assembly, That from and after the passing of this act, the freeholders and inhabitants of the respective towns in the county of West-Chester, shall be, and hereby are authorized and required, at their annual town meetings, for electing town officers, to choose and elect not less than three, nor more than five freeholders, as may be determined by a majority of votes at their annual town meetings, to be commissioners to lay out and regulate the roads, highways and road districts, in the towns for which they shall so respectively be chosen; and also as many overseers of the highways, as there shall be road districts in the said town, whose duty it shall be to oversee and keep in repair the roads and highways, within the several districts for which they shall be elected; and the persons so to be chosen commissioners or overseers, are hereby required to execute their said offices respectively.

Westchester county election of commissioners of highways; overseers.

Duty of commissioners.

And be it further enacted, That the commissioners of each respective town in the said county, or a major part of them, are hereby authorized and required to regulate the roads already laid out, and if any of them shall appear inconvenient, and an alteration necessary, to alter the same in such manner, as they or the major part of them shall judge necessary and convenient; and also to lay out such other public highways and roads, as they shall judge necessary, as well for the convenience of travellers, as for the inhabitants of such town.

Provided nevertheless, that where any road shall be altered or laid out, through any inclosed or improved lands, the owner or owners thereof shall be paid the value of the lands so laid out into an highway or road, with such damages, as he, she or they, may sustain by reason thereof; which value and damages may be settled and agreed upon by the commissioners, and the parties interested therein; and if they cannot agree, then the value of the lands and damages shall be set and appraised by two justices of the peace, and by the oaths of twelve reputable freeholders, not interested in paying or receiving any part of such aprial, otherwise than in paying his proportion of tax for the contingent charges of the county; which freeholders shall be summoned by any constable, not otherwise interested than as aforesaid, by virtue of a warrant to be issued by the said two justices of the peace, for that purpose, and if any road, within any such town, so laid out, be a common or public highway, the whole value of the land so laid out into an highway, and damages, together with the charges of the commissioner and the costs of ascertaining the value and damages, shall be paid as the other contingent charges of the said county are paid; but if the road so to be laid out, be a road for the particular convenience of one town, or a private road for the convenience of one or more persons, in such case such town, or the person or persons requiring the same, shall pay and defray the whole of such value and damages, costs and charges, as were occasioned by the laying out of such road; and when any such road or highway shall be so laid out and appraised, it shall be lawful for any one justice of the peace of the county, or any one of the commissioners of the town in which such road shall be laid out, to order the overseer or overseers of the road district, or districts, in which such road is, to open and work the same.

Laying out
of roads
through
improved
lands.

Provided always, That no private road shall be laid out through any orchard or garden, without the consent of the owner or owners.

And be it further enacted, That all public roads to be laid out by virtue of this act, shall not be less than four rods wide: And that the commissioners of the respective towns shall from time to time, cause to be entered, on the town records, all such roads or highways as by them shall be laid out or altered: And that if any person or persons shall alter or obstruct any highway or road already laid out, or to be laid out or altered by virtue of this act, such person or persons so offending, shall forfeit for every such offence, the sum of forty shillings, to be sued for and recovered by the overseer of the road district, which such obstruction or alteration shall be, in an action of debt, with costs, and when recovered to be paid into the hands of the town clerk, subject to the disposition of the commissioners of such town. And if any tree shall fall out of any inclosed or improved lands, across or into any public road or highway, the owner or possessor of such lands, shall remove the same within forty eight hours, after the same be so fallen, or be liable to a fine of ten shillings for every day such owner or possessor shall neglect to remove the same, after notice given by any person whomsoever, to be recovered and applied in manner aforesaid.

Width of
roads;
penalty
for ob-
structing.

And be it further enacted, That the respective overseers of the road district, shall within fourteen days after their election, deliver a list subscribed by such overseers, to the clerk of the town in which such overseers resides, containing the names of all the inhabitants possessing real or personal property, and residing in their respective districts; and also of every other able bodied free male person, above the age of twenty one years. And the respective commissioners of each town, or a majority of them, shall within sixteen days after their being elected, meet together

Overseers
to report
names of
inhabit-
ants, etc.;
commis-
sioners to
levy road
tax.

at the place of their respective elections, and the clerk of each town shall deliver to the commissioners of their respective towns, the returns made by the overseers of the road districts, and thereupon the said commissioners shall proceed to assess and affix to each persons name so returned, such sum or sums of money as they, or the major part of them, shall judge necessary for keeping in repair the road for that year, in the district where such persons dwell; and the said commissioners in making such assessment, shall have respect to the estate and ability of the person so assessed:

Provided, That no able bodied freeman shall be assessed less than four shillings: And the said commissioners after having made and subscribed their names to such assessment and caused copies thereof to be filed with the clerk of the town, shall deliver such lists and assessments to the overseers of each respective road district, who shall have returned the same, in manner herein before directed.

And whereas there may be in some of the road districts, large bridges and other repairs necessary to be made, which would be too great a burden for the inhabitants of such district. Therefore,

Bridges
and extra-
ordinary
repairs,
assessment
for.

Be it enacted, That if a majority of the commissioners of either of the respective towns, shall judge it necessary to raise a further sum than shall have been assessed on the inhabitants of the districts in such town for building large bridges and making such other repairs as the commissioners, or a majority of them, shall judge ought to be made at the expence of such town, they shall meet together and agree upon the sum necessary to be raised for that purpose, and shall deliver a certificate of such sum to the supervisor of the town, who shall lay the same before the supervisors of the county, at their next annual meeting, for raising the contingent charges of the county, who shall cause the same to be assessed, and collected from the freeholders and inhabitants of such town, in the same manner as the contingent charges of the county are raised; and when collected to be paid into the hands of the clerk of the town, who shall pay the same to the overseer or overseers of the road districts, when required, by an order from a majority of the commissioners of the said town: *Provided* the commissioners of any town, shall not cause to be raised in one year, more than the sum of one hundred pounds, for the purposes last mentioned.

Road tax,
how ap-
plied by
overseers.

And be it further enacted, That it shall be the duty of the respective overseers of road districts, in the respective towns, to collect and apply two thirds of all the money assessed in each respective year, in repairing the roads in the districts in which it was collected, on or before the twentieth day of June, and the other remaining third on or before the first day of November, in each respective year.

Overseers,
duty of,
in repair-
ing roads.

And be it further enacted, That the overseers of the several road districts in the respective towns, shall work and repair the roads in their several districts, in such manner as they shall be directed by the commissioners; and if the roads shall be impaired by heavy rains or otherwise, so as to render them inconvenient, any justice of the peace of the county, or commissioner in any such town, having notice thereof, shall order the overseer or overseers of such district or districts, to amend and repair the same; and the overseer of any district where the road shall be so impaired, shall within two days after such notice, cause such road to be well repaired.

Expense
of repairs
over
amount
assessed.

Provided, That if the money assessed on the inhabitants of the district shall be expended before extra repairs become necessary, then and in that case the necessary expenditure of making such repairs, shall be

paid out of the monies which may be in the hands of the town clerk of the town where such repairs shall have been made.

And be it further enacted, That the respective overseers of road districts, shall keep a just and true account of all the monies collected or laid out within their respective districts, and from whom collected; and shall exhibit such accounts before the supervisor and town clerk of their respective towns; and the said supervisor and clerk of the respective towns, are hereby required to meet together, on the last Tuesday of March in every year, at the place of the last election for town officers, and being so met, shall audit and settle the accounts of such overseers of the road districts, as shall lay their accounts before them; and if, upon such settlement, any money shall remain in the hands of any of the overseers of the road districts, they shall pay the ballance into the hands of their respective town clerk; which money shall remain in his hands subject to be drawn out by the commissioners, as is directed in and by this act. And if any of the said overseers shall have neglected to collect the whole amount of the monies assessed on the inhabitants of their district, they shall be answerable to the clerk of the town, for the whole of such deficiency, unless they shall produce at the time of such settlement, a receipt from the constable of such town for their warrant, issued and delivered for the collection of such deficiencies; and the constables respectively are hereby directed and required to pursue the same measures to collect the money required to be collected by such warrant, as they are directed to pursue in collecting money due on executions, by virtue of an act entitled "An act for the more speedy recovery of debts to the value of ten pounds," and be subject to the like penalty for neglect of duty, as they are subjected to for neglect of duty in and by the said act.

Accounts
of over-
seers,
auditing
of.

Provided always, That if any money shall be due on any such warrant, issued by any overseer of any road district, at the settlement of such overseer with the supervisor and town clerk, then and in every such case, the said constable shall be answerable to the town clerk, in the same manner as he is to the party aggrieved, in and by the said last recited act.

And be it further enacted, That in case any public road or highway, leading to any place of embarkation, or any new road shall be required to be laid out, such public road or highway, shall be continued from town to town, and through the same, as streight and direct as the nature of the ground will admit. And that such public road or highway may be established, or being established, may be altered so as to be more generally convenient and useful to the inhabitants of the respective towns, through which the same may pass, it shall and may be lawful for the commissioners of the town, which require the said road to be laid out or altered, by writing under their hands, to appoint and summon a general meeting of all the commissioners of the respective towns, through which the road proposed shall extend, at any time not less than ten days or more than twenty days after service of notice on the said commissioners, and at such convenient place in that town, which shall be most central to the usual residence of the major part of such commissioners; and the said commissioners are hereby directed and required, to meet and attend according to such appointment; and when the said commissioners so convened, shall have consulted together, and deliberated upon the subject of the said meeting, they shall then proceed to lay out the highway or road required, from town to town, and in the best and most advantageous manner for the public and general utility and convenience; that is to say, the commissioners of each respective town shall lay out that

Roads ex-
tending
into two
or more
towns.

part of the intended road, which extends through the town, of which they are respectively commissioners; and the same so being laid out, shall be certified, returned and recorded, as a public road or highway, in manner directed in and by this act, and shall be maintained in each respective town; but if a majority of the commissioners of any or either of the said towns, so met and assembled, shall disapprove of and not consent to the place or places where any part of such road shall be proposed to be laid out, and propose any other place or places for the same, to which the commissioners of the town through which that part of the road is to pass, or a majority of them do not consent and agree, then and in every such case, a description shall be made in writing, signed by all the commissioners present, of both the roads proposed, and it shall be lawful for three or more of the said commissioners, to apply to any two justices of the peace of the said county, not residing or holding lands in that town through which the road in controversy shall pass, or in the town for which such road shall be required; and such justices are hereby authorised and directed, thereupon to issue their precept to the sheriff of the said county, commanding him to summon a jury of twelve good and sufficient freeholders of the said county, not interested in the course of the said road, who being duly sworn for that purpose, shall enquire and give their verdict, which of the roads in controversy will be the best, and the most commodious as a public highway; and an inquest being thereof made, under the hands and seals of the said justices and jurors, shall be final and conclusive, according to which the road shall be laid out, certified and returned as a public road, by the respective commissioners of such towns through which it shall extend; and the return thereof together with the said inquisition being filed in the clerks office of the county, and entered of record, the said road shall be deemed and esteemed a public road or highway, to all intents and purposes, and be supported and maintained in the respective towns through which the same shall extend, in the same manner as the other highways in such town are directed and required to be maintained and supported by this act; which inquest shall be at the expence of the town, the commissioners of which shall have refused to lay out the said road in the direction found by such inquest; and such expence shall be paid out of the monies raised in such town in pursuance of this act.

Provided always, That if any such road so altered or laid out, shall pass through any inclosed or improved lands, the proprietor thereof shall be satisfied and paid therefor, as directed by the second enacting clause of this act.

And be it further enacted, That the commissioners of the respective towns, or a major part of them, shall, if needful, on the last Tuesday in March in each year, meet together, and by writing under their hands, to be lodged with the town clerk, and entered in the town book, divide their respective towns into as many districts as they shall judge convenient, for each of which districts, there shall be annually chosen one overseer of highways; and if any vacancy of overseers shall happen, by death or otherwise, in any such case, the commissioners of such towns respectively, or a major part of them, shall and are hereby impowered to appoint some other fit person in such district or districts, as overseer or overseers; and the overseer or overseers so appointed, shall have the same powers, and be subject to the same penalties as overseers chosen by virtue of this act are subject to, until the next annual day of election.

And be it further enacted, That the respective overseers of the road districts, shall be allowed four shillings per day, in their respective settle-

Commis-
sioners to
meet and
designate
overseers.

Allowance
to over-
seers.

ments with the supervisor and town clerk, for each and every day they shall have been necessarily employed in repairing the roads in their respective districts.

And be it further enacted That the commissioners, of the respective towns shall severally be entitled to receive the sum of five shillings, for each day, either of them respectively shall be necessarily employed in performing the duties enjoined on them by this act, to be raised and paid by their respective towns, in the same manner as the other contingent charges are raised and paid. Allowance to commissioners.

And be it further enacted, That if the overseer of either of the road districts, shall neglect or refuse to perform any of the respective duties required of them by this act, in repairing of the roads the overseer or overseers so neglecting or refusing, shall forfeit and pay for every such offence the sum of forty shillings, to be recovered by action of debt, with costs, in the name of the clerk of the town in which such offence was committed and the said clerk is hereby required to sue for the same. Penalty for neglect by overseers.

And be it further enacted, That the act entitled "An act for the better laying out, regulating and keeping in repair, all common and public highways and private roads, in the counties of Ulster, Orange, Dutchess, Washington, West Chester, Albany and Montgomery" passed the 4th of May 1784; and the act entitled "An act to amend the aforesaid act, passed the 20th April 1787, so far as they respect the county of West Chester, be, and they are hereby repealed. *Nevertheless* the said acts are hereby declared to extend to, and be in full force, and effect in the counties of Columbia, Ontario, Clinton, Herkemer, Saratoga, Otsego, Tioga and Rensselaer. Acts repealed so far as relates to Westchester county. Continued as to certain counties.

CHAP. 13.

AN ACT to incorporate the trustees of the Albany library.

PASSED the 24th of February, 1792.

WHEREAS Abraham Ten Broeck, Stephen Van Rensselaer, James Fairlie, Goldsbrow Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Ellison, Robert R. Henry, Jacob Ja. Lansing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Rensselaer, John Stevenson, John McClallen, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lansing, Robert McGregor, Stephen Lush, John D. P. Douw, Barent T. Ten Eyck, Robert Henry junior, Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Isaac Hutton, William McClalland, Cornelius Glen, Leonard Gansevoort, Philip S. Van Rensselaer, John Tayler, Barent Bleecker, Abraham Hun, John Bassett, Abraham G. Lansing, Dudley Walsh, Barent G. Staats, Elkanah Watson, Harmanus P. Schuyler, Thaddeus Pomery, Hunloke Woodruff, Cornelius Van Schelleynne, James Vernor, Leonard Gansevoort junior, John McDonald, Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleecker, John V. Henry, Stewart Deane, Peter Gansevoort junior, Dirck Ten Broeck, John Lansing junior, Sanders Lansing, John Robison, John Jauncey, Sebastian Vischer, Robert Yates, Elbert Willet, Killian K. Van Rensselaer, Henry Bleecker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webster, Henry Guest, Charles R. Preamble.

Webster, Jacob Wright, Francis Follett, Rensselaer Westerlo, Abraham Van Veghten, John D. Dickinson, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Rensselaer and Abraham Ten Eyck, did by petition represent to the legislature, that they had become subscribers to, and had associated for the purpose of establishing a public library in the city of Albany; that the said subscribers had appointed Abraham Ten Broeck, John Lansing junior, Philip Schuyler, Stephen Van Rensselaer, Jeremiah Van Rensselaer, Thomas Ellison, John McDonald, James Fairlie, Daniel Hale, Hunloke Woodruff, Goldsbrow Banyar, and Stephen Lush, trustees for the said library, so to remain until the first Saturday in May next, with power among other things to appoint a treasurer for the said library; that the trustees aforesaid pursuant to the power in them vested by the said subscribers had appointed James Van Ingen treasurer of the said library; that each of the said subscribers, had paid to the said treasurer, the sum of five pounds for each right such subscriber held therein; and that each of the said subscribers had, by their association for the purpose aforesaid agreed to pay to the treasurer of the said library annually, the sum of twenty shillings for each right by them respectively held in the said library, for the term of five years, to be computed from the sixteenth day of January one thousand seven hundred and ninety, and annually for ever thereafter the sum of ten shillings for every such right; and thereupon the said subscribers in and by their said petition prayed, that for promoting the object of such association as aforesaid, the subscribers to the said library might be incorporated on principles as nearly as might be correspondent with their original association, a copy whereof accompanied the said petition. Therefore in compliance with the prayer of the said petition.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said Abraham Ten Broeck, Stephen Van Rensselaer, James Farlie, Goldsbrow Banyar, William Van Ingen, William Banyar, Gerrit W. Van Schaick, John G. Van Schaick, John D. P. Ten Eyck, Thomas Ellison, Robert R. Henry, Jacob Ja. Lansing, Theodorus V. W. Graham, Henry Cuyler, Jeremiah Van Rensselaer, John Stevenson, John M'Donald, John McClellen, Jacob Van Der Heyden, Thomas Barry, Samuel Stringer, Abraham A. Lansing, Robert M'Gregor, Stephen Lush, John D. P. Douw, Barent T. Ten Eyck, Robert Henry junior, Simeon De Witt, Thomas W. Ford, Daniel Hale, David Fonda, Isaac Hutton, William McClellan, Cornelius Glen, Leonard Gansevoort, Philip S. Van Rensselaer, John Taylor, Barent Bleeker, Abraham Hun, John Bassett, Abraham G. Lansing, Dudley Walsh, Barent G. Staats, Elkanah Watson, Harmanus P. Schuyler, Thaddeus Pomeroy, Hunloke Woodruff, Cornelius Van Schelleyn, James Vernor, Leonard Gansevoort junior, Robert Lewis, James Van Ingen, Volkert S. Veeder, Charles D. Cooper, Philip Schuyler, John B. Schuyler, Nicholas Fonda, John N. Bleeker, John V. Henry, Stewart Dean, Peter Gansevoort junior, Dirck Ten Broeck, John Lansing junior, Sanders Lansing, John Robison, John Jauncey, Sebastian Visscher, Robert Yates, Elbert Willet, Killian K. Van Rensselaer, Henry Bleeker, Henry Glen, John Ten Broeck, Richard Edwards, Francis Bloodgood, George Webster, Henry Guest, Charles R. Webster, Jacob Wright, Francis Follett, Rensselaer Westerlo, Abraham Van Veghten, John D. Dickinson, James Gordon, Elihu Chauncey Goodrich, Jacob R. Van Rensselaer and Abraham Ten Eyck, and such other persons as shall be hereafter admitted members of the corporation hereby erected, be, and hereby are ordained, constituted and declared, to be one body corporate and politic in fact and in name, by

Persons
named in-
corporated
as the
"Trustees
of the
Albany
Library.

the name of "The Trustees of the Albany Library," and by that name, they and their successors, shall and may forever hereafter, have perpetual succession, and shall and may by the same name be persons, capable in the law, to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and of what kind or nature so ever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors by the name of "The Trustees of the Albany Library" shall be in law, capable of purchasing, holding and conveying any estate real or personal, for the use of the said corporation. *Provided*, Such real and personal estate at any one time held by the said trustees of the Albany library shall not exceed the annual value of one thousand dollars exclusive of the books and the annual payment of the members of the said library herein after mentioned.

And be it further enacted by the authority aforesaid, That for the better carrying into execution the purpose aforesaid, there shall forever hereafter belong to the corporation of the trustees of the Albany library aforesaid twelve trustees who shall conduct and manage the business of the said corporation and library, in the manner herein after directed and appointed, and that the said Abraham Ten Broeck, John Lansing junior, Philip Schuyler, Stephen Van Rensselaer, Jeremiah Van Rensselaer, Thomas Ellison, John M'Donald, James Fairlie, Daniel Hale, Hunloke Woodruff, Golsbrow Banyar and Stephen Lush be the present trustees of the said library, who shall remain in those offices until the first Saturday in May next; that there shall for ever hereafter be one chairman of the said trustees, one treasurer and one librarian, to be elected and appointed in the manner herein after mentioned, and that it shall be lawful to and for the said trustees in their discretion whenever they shall conceive it necessary and for the interest of the said corporation to appoint one and the same person both treasurer and librarian: That the said Abraham Ten Broeck be the present chairman of the said trustees of the said library and that the said James Van Ingen be the present treasurer and librarian of the said library.

And be it further enacted by the authority aforesaid, That on or before the first Saturday in April next, the said trustees shall by lot be divided into two classes, each class to consist of six of the said trustees; that the offices of the first class of the said trustees shall determine on the first Saturday in May next, and the offices of the trustees of the second class, shall determine on the first Saturday in May in the year of our Lord one thousand seven hundred and ninety three, and that on the first Saturday in April next, and on the first Saturday in April in every year for ever thereafter, there shall be a general meeting of the members of the said corporation for the time being at the City Hall of the city of Albany, or at some other convenient place in the said city, to be from time to time ascertained and fixed by the bye-laws of the said corporation, and that then and there by a majority of votes of such members as shall so meet, such members shall by ballot elect six trustees, so that one half of the said trustees shall be annually chosen; that any person holding more than one right in the said library shall be entitled to one vote for each right he or she shall so hold in the same; that the said trustees of the said library shall annually at their first meeting, on or after the first Saturday in May in every year as aforesaid appoint one of the said trustees their chairman; that when and as often as any vacancy shall happen by the death, removal, resignation or neglect to serve of any of

Trustees,
number
of; name
of first
board;
officers.

Division
of board
into two
classes;
election of
trustees.

the said trustees, it shall be lawful for the chairman of the said trustees, or on his neglect or refusal for any three other of the said trustees to summon a meeting of the members at the city hall of the said city or at such other place as shall have been fixed and ascertained by the by-laws of the said corporation, for the purpose of electing another person or persons instead of such as shall so have died, removed, refused or neglected to serve as aforesaid and that such persons so to be chosen trustees at such meeting as last aforesaid, shall respectively remain in office during such time as the person in whose stead each such trustee shall be chosen would have done, in case such death removal refusal or neglect had not happened and no longer; that in case of the death removal refusal or neglect to serve of the chairman for the time being, it shall be lawful for the trustees of the said library at any of their meetings to appoint another chairman instead of the one dying, removing, refusing or neglecting to serve as aforesaid, to remain in office until the first meeting of the said trustees after the first Saturday in May then next: That the said trustees of the said library shall at every such annual general meeting of the members of the said corporation, exhibit to such members a state of the said library, the minutes of the proceedings of the trustees during the year immediately preceding such meeting, and the treasurer and librarian's accounts, stating the amount of receipts and expenditures during such year.

Meetings
of trustees;
powers and
duties.

And be it further enacted by the authority aforesaid, That the said trustees shall have stated meetings once in every quarter in every year, at such times as the said trustees shall from time to time appoint for that purpose; that the said chairman or any three of the trustees of the said library for the time being, shall and may from time to time, as occasion may require, summon and call together at the city hall of the said city, or at such other place in the said city as shall from time to time be appointed by the bye-laws of the said corporation, the trustees of the said library giving them at least two days notice of such meeting; that the chairman of or any six or more other of the said trustees, and in the absence of the chairman, any seven or more of the said trustees shall form a board of trustees, and that the chairman and the other of the said trustees so met, shall respectively have one vote in the proceedings of the said trustees; that any seven or more of the said trustees, or a majority of them so met shall have full power and authority to adjourn from day to day, or for such other time as the business of the corporation may require and from time to time to appoint and at their pleasure to displace a treasurer and librarian of the said library, and to appoint other or others in their stead and place; from time to time to ascertain the compensation to be allowed to the treasurer or librarian or either of them for their services in their stations respectively and from time to time to regulate and appoint to them the said treasurer and librarian or either of them, their respective powers, trusts and duties; to direct the application of the monies belonging to the said corporation to the purchase of such books as they shall from time to time think proper; to the providing a room or house for the safe keeping of the books of the said library, and to do, transact manage and perform in the name of the said corporation all and every act and acts, thing and things whatsoever which shall be necessary to be done, and which the trustees of the Albany library aforesaid are by virtue of this law authorized to do, and to make, frame, constitute, establish and ordain from time to time, and at all times hereafter such laws constitutions ordinances and regulations for the better government of the officers members and servants of the said corporation; for regulating the terms upon which the books of the

said library shall be lent out, both to members of the said corporation and to others; for fixing and ascertaining the times and places of quarterly meetings of the said trustees; for altering, fixing, and ascertaining the places of meeting of the members of the said corporation for the election of the said trustees; for regulating the management and disposition of the books of the said library, and the monies, funds and effects belonging to the said corporation; the transferring rights in the said library from one person to the other; and all other the business and affairs whatsoever of the said corporation as they or the major part of them so legally met, shall judge best for the general good of the said corporation, and for the more effectual promoting increasing and preserving the said library, and the same or any of them to alter amend and repeal or from time to time as they or the major part of them so met shall think proper. *Provided* such laws constitutions, regulations and ordinances be not repugnant to the laws of this State.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every of the members for the time being of the said corporation his and her executors administrators and assigns, to give, sell, alien, assign, devise or dispose of their respective rights in the said library, and that their respective assigns shall be members of the said corporation, and shall be entitled to all and every the same rights and privileges in the said library and in the said corporation as the members in this act named are entitled to by virtue of this act. *Provided always* that a part of a right in the said library shall not entitle the proprietor or owner thereof to any privilege whatsoever in the said library or corporation.

Member-
ship as-
signable.

And be it further enacted by the authority aforesaid, That it shall and may be lawful at such meeting of seven or more of the said trustees of the library for the time being, or for the major part of them so met, to make any bye-laws constitutions or ordinances of the said corporation, to admit under the common seal of the said corporation such and so many persons members of the said corporation as they shall think beneficial to the said library, which members so admitted shall be entitled to have hold and enjoy all and every of the same rights and privileges as the members herein particularly named are entitled to by virtue of this act.

By-laws,
etc.; ad-
mission of
members.

And be it further enacted by the authority aforesaid, That each and every of the members of the said corporation for the time being, shall on or before the first Tuesday in January in every of the five next succeeding years, to be computed from the first day of January now last past, pay to the treasurer of the said library for the use of the said corporation, the sum of twenty shillings for each right such members respectively hold in the said library, and from and after the expiration of the said five years, the sum of ten shillings for each right, such members respectively hold in the said library on or before the first Tuesday of January in every year for ever thereafter. And that in case any of the said annual sums, or any other sum which of right shall become due to the corporation from any of its members, shall at any time or times hereafter be in arrear and unpaid by and for the space of forty days next after any of the days on which the same ought to be paid, that then the person or persons from whom the same shall be due and payable, shall be precluded from exercising any of the privileges to which he became entitled by virtue of his becoming a member of the said corporation until such sums shall be fully satisfied, and if such payment shall not be made within five years after any such sums shall become due as aforesaid, that then and after the expiration of five years from the time such payment shall become

Annual
dues of
members
for first
five years;
after-
wards.

due, the person or persons from whom the same shall become due and payable, shall thereupon forfeit and be utterly excluded from all his her or their rights and privileges in the said library and corporation.

Failure to elect trustees on day named not invalidate charter.

And be it further enacted by the authority aforesaid, That in case it should happen, that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

CHAP. 14.

AN ACT for the relief of Anna Margaretta Whitman.

PASSED the 24th of February, 1792.

Lands specified released to Anna Margaretta Whitman.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the right and title of the people of this State of, in and to all those two lots of land, lying and being in the seventh ward, formerly the out ward of the city of New York, which were conveyed by the commissioners of forfeitures for the southern district of this State by a deed dated the fifteenth day of December in the year one thousand seven hundred and eighty four, to Jacob Whitman, shall be and hereby is granted to and vested in Anna Margaretta Whitman, the widow of the said Jacob Whitman, her heirs and assigns, to and for her and their own proper use and benefit for ever. *Provided always,* that the said Anna Margaretta Whitman shall be, and is hereby made liable to, and chargeable with the payment of all debts which the said Jacob Whitman owed at the time of his death, not exceeding the value of the said premises, in the same manner as if she was his heir and devisee, and in all actions against her for any such debt the value of the premises shall be considered as assets in her hands

CHAP. 15.

AN ACT for the benefit of the Shinecock Tribe of Indians, residing in Suffolk county.

PASSED the 24th of February, 1792.

Shinecock Indians may elect trustees; powers of.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians of twenty-one years of age and upwards, belonging to the Shinecock tribe in Suffolk county, to meet together on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, at the place for holding town meetings in the town of Southampton, and there by plurality of voices, to choose three persons belonging to the said tribe as trustees, who by and with the consent of three justices of the peace residing next

to the lands of the said Shineeock tribe, are hereby authorized and impowered from time to time to lease out so much of the said lands as they shall judge proper for the use of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said land to each family or individual, as shall be judged necessary for his or their improvements.

And be it further enacted by the authority aforesaid, That it shall be the duty of the clerk of the town of Southampton, annually to attend and preside at the meeting of the said Indians for choosing the said trustees, and to enter in a book to be by him kept for that purpose the names of the persons who shall be so chosen trustees as aforesaid. Town clerk of Southampton to preside at election.

And be it further enacted by the authority aforesaid, That if any person or persons whomsoever, shall plough or otherwise improve any of the lands belonging to the said tribe, without the consent of a majority of the said trustees and a majority of the said justices first had and obtained in writing, and entered in the book herein directed to be kept by the said clerk, such person or persons shall severally forfeit the sum of forty shillings for every acre so occupied, notwithstanding he or they may have obtained licence to improve the said land or any part thereof from any Indian or Indians of the said tribe, other than in manner aforesaid, and shall be subject to pay such forfeiture to the said justices for the use of the said tribe to be recovered with costs of suit in their own names in any court having cognizance of the same. Penalty for intrusion on lands.

CHAP. 16.

AN ACT to stay proceedings, on an information in the supreme court, against George Palmer.

PASSED the 2d of March, 1792.

WHEREAS it appears to the legislature, that an information hath been filed, by the late attorney general, in behalf of the people of this State, against George Palmer of Still Water, yeoman, for erecting two ledges and two dams, near Stillwater, in Hudsons river. *And whereas,* sundry inhabitants of the towns of Still Water, Halfmoon, Saratoga and Easton, have by their petitions presented to the legislature, prayed, that all proceeding on the said information be stayed: Therefore, Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all further proceedings, on the information foresaid, shall be stayed and be no farther prosecuted, until the further order of the legislature. Proceedings stayed.

Provided always, That nothing in this act contained, shall be construed so, as to prevent any person, or persons, from prosecuting any suit, or suits, for any private injury, or damage, they may conceive or suppose they have sustained, by means of the said ledges and dams. Provido, as to actions for damages by individuals.

CHAP. 17.

AN ACT for the relief of such towns as have, or hereafter shall support certain persons manumitted by the State.

PASSED the 2d of March, 1792.

Preamble. WHEREAS in and by an act entitled "An act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned" the commissioners of forfeitures or either of them, were directed, out of any monies which might come into his or their hands for rents, to make suitable provision for the support and maintenance of any slave or slaves who should be found unable to support themselves, and who belonged to, and had not been disposed of by any person or persons whose respective estates had become confiscated or forfeited to the people of this State. *And whereas* the powers of the said commissioners of forfeitures have ceased, and no relief can be obtained for the support of such slaves. Therefore,

Payments
by treas-
urer for
support
of slaves
manumit-
ted by the
State.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer, to pay unto the overseers of the poor of any town, such sum and sums of money as they already have expended, or hereafter may expend in the support and maintenance of any such slave or slaves as aforesaid, or of any such slave or slaves who were the property of any person whose estate hath been confiscated or forfeited, and were such at the time of such confiscation or forfeiture; and who have since that time resided, and do now reside within this State. *Provided always,* that they have been, or hereafter shall be supported and maintained in like manner as other poor of the towns where they have been, or hereafter shall happen to be, are maintained. *And provided also,* that the overseers of every such town, who have supported such slave or slaves as the poor of such town, or shall hereafter in like manner support such slave or slaves, shall produce their certificate thereof, certified by the supervisor and justices of such town, or the supervisor and a majority of such justices, and their account of such expenditures as aforesaid, examined and certified by the auditor of the State.

CHAP. 18.

AN ACT for dividing the town of Balls Town, in the county of Saratoga, into four towns.

PASSED the 7th of March, 1792.

Balls
Town
divided;
Milton.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the first Monday of April next, all that part of the town of Balls Town bounded as follows to wit, beginning in the south east corner of the fourteenth allotment in the general division of the patent of Kayaderosseres, and running thence west, along the south bounds of the said allotment, to the middle of the south bounds of the lot number nine, in the subdivision of the allotment aforesaid, thence running due north, to the north bounds of the

county of Saratoga, thence easterly to the town of Saratoga, thence southerly along the bounds of the said town of Saratoga, to the place of beginning, be erected into a town by the name of Milton. And that all that part of the said Balls-town bounded as follows, to wit, beginning at the southwest corner of the said town of Milton, thence running west along the south bounds of the said fourteenth allotment to the line of the county of Montgomery, thence north along the said line of the said county of Montgomery, to the north west corner of Saratoga county, thence easterly along the north bounds of Saratoga county to the north west corner of the town of Milton aforesaid, thence south along the town of Milton aforesaid to the place of beginning, be erected into a town by the name of Galway. And that all that part of the said Ballstown bounded as follows to wit, beginning at the south west corner of the town of Milton, and running thence south to the north bounds of the county of Albany, thence westerly along the said north bounds, to Montgomery county, thence north along the east bounds thereof to the south west corner of the town of Galway aforesaid, thence east to the place of beginning, be erected into a town by the name of Charlton. And that all the remaining part of the said town of Balls-town be and remain as the town of Balston.

Provided nevertheless, That nothing herein contained, shall be construed to affect the private rights of any individuals.

And be it further enacted, That the first town meetings in each of the said towns, shall be holden as follows that is to say, in the said town of Balston at the red meeting house in the said town; in the said town of Milton, at the house where William Baker now dwells; in the town of Galway at the school-house near Smith and Stillwells store, in the said town, and in the said town of Charlton at the meeting house in the said town.

And be it further enacted, That each of the said towns hereby erected, shall enjoy all rights, privileges and immunities which are granted to other towns within this State, by an act of the legislature passed the seventh of March one thousand seven hundred and eighty eight, entitled "An act for dividing the counties of this State into towns."

And be it further enacted, That the poor belonging to the said town of Ballstown, previous to this division, shall be divided among the said towns, in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax list of said towns; and the overseers of the poor, supervisors and justices, or a majority of them, shall meet within ten days after the next town meeting, at the house of Edward A. Waters in Balston aforesaid, and make such division as aforesaid, and the said towns respectively shall thereafter maintain their respective poor.

CHAP. 19.

AN ACT further to continue and amend the act, for the appointment of an auditor, and the settlement of the public accounts of this State.

PASSED the 7th of March, 1792.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That the act entitled "An act for the appointment of an auditor, and the settlement of the public accounts of this State,"

passed the twenty third day of March one thousand seven hundred and eighty two, shall be, and is hereby continued in full force and virtue, to all intents and purposes, until the first day of July, which will be in the year of our Lord, one thousand seven hundred and ninety four.

Action by
treasurer
when ac-
count im-
properly
audited.

And be it further enacted, That when any accounts or demands against the State shall be audited by the auditor, and presented to the treasurer for payment, it shall be lawful for the treasurer, if he shall be of opinion that such accounts or demands have not been audited agreeably to the true intent and meaning of the laws of this State, to represent the same to the person administering the government of this State, for the time being, who upon examination thereof, if he shall be of the same opinion with the treasurer, shall by warrant under his hand, and the privy seal of the State, direct the treasurer to delay the payment of any such accounts or demands, and shall lay the same before the legislature at their next ensuing session.

Salary of
auditor.

And be it further enacted, That during the continuance of the act above-said, the salary of the auditor shall, from and after the twenty third day of March, be, at and after the rate of three hundred pounds per annum, payable in four equal quarterly payments at the treasury.

CHAP. 20.

AN ACT to extend to the city of Albany, an act entitled "An act for regulating the buildings streets, wharves and slips in the city of New York.

PASSED the 7th of March, 1792.

Act recited
extended
to the city
of Albany.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the act entitled "An act for regulating the buildings, streets wharves and slips in the city of New York, passed the sixteenth day of April one thousand seven hundred and eighty seven, be, and the same is hereby extended to the city of Albany; and that it shall and may be lawful, for the mayor, aldermen and commonalty of the said city of Albany, in common council convened, to make such bye laws, ordinances, rules and orders, for regulating the buildings, streets, wharves and slips, and for such other purposes in the said city of Albany, as the mayor aldermen and commonalty of the said city of New York, in common council convened, are, in and by the before recited act, empowered to make.

CHAP. 21.

AN ACT to enable John H. Livingston Thomas Jones and Brockholst Livingston, to execute certain trusts therein mentioned.

PASSED the 12th of March, 1792.

Preamble.

WHEREAS all the real estate whereof Philip Livingston late of the city of New York Esquire deceased, was seised at the time of his death, and not since sold and disposed of, is vested in Alexander Hamilton, John H. Livingston, Thomas Jones and Brockholst Livingston, in trust to sell

as much as may be necessary, to pay the debts of the said Philip Livingston, and to divide the residue among his heirs and devisees.

And whereas, by reason of the removal of the said Alexander Hamilton from this State, it is become difficult for him to execute the several trusts vested in him as aforesaid; for which reason he hath signified, his desire to be exonerated therefrom. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That every act which may be hereafter done by the said John H. Livingston, Thomas Jones and Brockholst Livingston, or the survivors or survivor of them, touching the real estate of the said Philip Livingston deceased, shall be as valid and effectual in the law, as if the same had been done jointly by the said Alexander Hamilton, John H. Livingston, Thomas Jones and Brockholst Livingston, any thing in any former law, to the contrary notwithstanding.

Acts of trustees of estate of Philip Livingston, deceased, validated.

CHAP. 22.

AN ACT for granting an allowance to the commissioner of excise, for the city of New York, for his services.

PASSED the 12th of March, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the first day of March one thousand seven hundred and ninety one, the commissioner of excise for the city and county of New York, for the time being, shall be entitled for his services, to the sum of eighty pounds per annum, which it shall and may be lawful for him to retain out of the monies which shall come into his hands from the duty of excise aforesaid.

Allowance to New York excise commissioners.

CHAP. 23.

AN ACT for the relief of Henry Ludenton.

PASSED the 12th of March, 1792.

WHEREAS certain certificates issued by the autitors appointed to liquidate and settle the accounts of the troops of this State, in the service of the United States, have been received by the commissioners of forfeitures, and are now in the treasury of this State, which it appears to this legislature were lost by Henry Ludenton, and which certificates at the time they were lost were not transferable, otherwise than by assignment.

Preamble.

And whereas the said Henry Ludenton has prayed relief in the premises. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That whenever the United States shall direct, that the residue of the twelve hundred thousand dollars may be subscribed, which by the act of the United States entitled "An act making provision for the debt of the United States" passed the 4th of January 1790, has not been subscribed before the last day of September last, then the treasurer of this State is hereby authorized and directed, to deliver unto

Certificates to be delivered to Henry Ludenton.

Henry Ludenton, the aforesaid certificates of the following description, to wit,

No. 3,404 issued to Silas Daily for.....	£79: 1:0
3,405..... to Benjamin Buise	77:14:0
3,406..... to Jeremiah Bund.....	76: 0:6
3,407..... to John Astin	74: 9:6
3,622..... to Anthney Whelp.....	100: 0:0
Amounting to.....	<u>£407: 5:0</u>

being the certificates lost by the said Henry Ludenton.

CHAP. 24.

AN ACT to divide the town of Southold, in Suffolk county.

PASSED the 13th of March, 1792.

Preamble.

WHEREAS many of the freeholders and inhabitants of Southold in Suffolk county, have represented to the legislature, that their town is so long, that it is very inconvenient for them to attend at town meetings, and also to transact the other necessary business of the said town; and have prayed that the same may be divided into two towns. Therefore

Riverhead
erected
from
Southold.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all that part of the said town of Southold, lying to the west ward of a line beginning at the Sound, and running thence southerly to the bay separating the towns of Southampton and Southold, and which is the eastern boundary or side of a farm now in the tenure or occupation of William Albertson, and is the reputed line of division between the parishes of Ocquebogue and Matternuck; shall, from and after the first Manday in April next, be erected into a distinct and separate town, by the name of River Head; and the first town meeting of the inhabitants of the said town, shall be held at the dwelling house of John Griffen at the River Head; and the said town shall enjoy all the rights, privileges and immunities, which are granted to the other towns within this State, by an act of the legislature passed the 7th of March 1788, entitled "An act for dividing the counties of this State into towns."

Division of
the poor.

And be it further enacted, That the poor of the town of Southold, on the first Monday of April next, shall afterwards be divided by the town of Southold and the town of River Head, in such proportions, as the overseers of the poor for the time being, of the said towns respectively shall agree; and in case of disagreement of the said overseers, then in such proportions as the supervisors of the county at their next annual meeting shall direct; and the contingent charges and expences of the town of Southold, that have already arisen or shall arise before the first Monday in April next, shall be assessed levied and paid, in the same manner, as if this act had not been passed.

CHAP. 25.

AN ACT for loaning monies belonging to this State.

PASSED the 14th of March, 1792.

WHEREAS it is proper, that part of the money belonging to the people of this State, should be loaned to the citizens of this State in the several counties, in the manner herein after mentioned. Therefore Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the judges of the court of common pleas, or any one or more of them, and the supervisors, or a majority of them in the respective counties of this State shall meet together on the first Tuesday of May next, or as soon thereafter as conveniently may be, at the place where the court of common pleas was last held in such county, and shall then and there by a majority of votes elect two sufficient freeholders in their respective counties, to be loan officers in the county in which they shall be elected, for the purposes intended by this act. Appointment of loan officers.

And be it further enacted by the authority aforesaid, That before the said loan officers, shall respectively enter upon their said office, every of them shall give bond to the people of the State of New York, with such sufficient security as shall be approved of by one or more of the judges of the court of common pleas of the county, together with a majority of the supervisors of the same county, signified by signing such his and their approbation, on the back of the said bond, which bond shall be in the full sum by this act committed to his charge, with condition for the true and faithful performance of his office and duty, and that without favour malice or partiality. Bonds to be given.

And be it further enacted by the authority aforesaid, That each loan officer respectively, shall take the following oath vizt. "I do swear that I will according to the best of my skill and knowledge, faithfully, impartially and truly, demean myself in discharge of the trust committed to me as one of the loan officers of the county of _____ by the act entitled "An act for loaning monies belonging to this State," according to the purport, true intent and meaning of the said act, so as the public may not be prejudiced by my consent privity or procurement." Which oath, shall be administered by any justice of the peace, and be indorsed on the said bond, and be signed by such justice and loan officer, and the bond so indorsed, shall be lodged with the clerk of the county, who upon receipt thereof, shall give the loan officer a certificate, that such bond, indorsed as aforesaid, is lodged with him, which certificate shall be delivered to the treasurer of this State, on his delivering to the loan officer, the money herein after directed, to be delivered to such loan officer, and every such bond, and the indorsements thereon, shall be recorded by the clerk; and in case of the forfeiture of any such bond, the major part of the supervisors of the county may direct the same bond to be put in suit, and the monies recovered by virtue thereof, shall be applied to the use of the county. Oath to be taken by loan officers.

And be it further enacted by the authority aforesaid, That the new loan officers of the several counties, shall respectively be bodies politic and corporate, in fact and in law, by the name and stile of The New Loan Officers of the county of which they are respectively loan officers, with full power to every of the said bodies politic, to have and use a common seal, and under the same seal, and in the name of the same Powers of new loan officers.

bodies politic, to give receipts, to take mortgages and execute releases and conveyances of the mortgaged premises, and to sue and be sued, and generally with all such powers as are necessary for the due execution of the trusts reposed in them by this act.

Payments
by treas-
urer to
new loan
officers.

And be it further enacted by the authority aforesaid, That the treasurer of this State shall, upon producing to him the certificates above directed, pay to the new loan officers of the several counties, the sums following, that is to say.

To the loan officers of the county of New York, the sum of nineteen thousand three hundred pounds.

To the loan officers of the county of Albany, the sum of sixteen thousand four hundred pounds.

To the loan officers of the county of Suffolk, the sum of nine thousand six hundred pounds.

To the loan officers of the county of Queens, the sum of eight thousand six hundred pounds.

To the loan officers of the county of Kings, the sum of one thousand nine hundred pounds.

To the loan officers of the county of Richmond, the sum of one thousand nine hundred pounds.

To the loan officers of the county of Westchester, the sum of fourteen thousand one hundred pounds.

To the loan officers of the county of Dutchess, the sum of twenty seven thousand two hundred pounds.

To the loan officers of the county of Orange, the sum of ten thousand nine hundred pounds.

To the loan officers of the county of Ulster, the sum of sixteen thousand two hundred pounds.

To the loan officers of the county of Columbia, the sum of sixteen thousand three hundred pounds.

To the loan officers of the county of Rensselaer, the sum of thirteen thousand four hundred pounds.

To the loan officers of the county of Washington, the sum of thirteen thousand four hundred pounds.

To the loan officers of the county of Clinton, the sum of one thousand four hundred pounds.

To the loan officers of the county of Saratoga, the sum of ten thousand four hundred pounds.

To the loan officers of the county of Montgomery, the sum of nine thousand four hundred pounds.

To the loan officers of the county of Otsego, the sum of three thousand pounds.

To the loan officers of the county of Herkimer, the sum of two thousand eight hundred pounds.

To the loan officers of the county of Tioga, the sum of two thousand six hundred pounds.

To the loan officers of the county of Ontario, the sum of one thousand two hundred pounds.

And the respective loan officers, shall give receipts for the said respective sums to the said treasurer, upon the certificate herein before directed to be given, by the clerk of the county, and which receipts, shall be sufficient discharges to the treasurer, his executors and administrators, for the said sums respectively.

Loaning
out of
monies;
proceed-

And be it further enacted by the authority aforesaid, That when the said loan officers have respectively qualified themselves as by this act is directed, they shall receive from the treasurer, the said sums above

directed to be paid to them respectively, and shall loan out the same, to such persons as shall apply for the same, and can and will, give security to the said loan officers, by mortgage on improved lands in the same county, then in the actual occupation of the borrower; they the said loan officers, first giving public notice in writing, to be fixed up at the court house in the county, or at the place where the court of common pleas, was then last held in the same county, and at four other public places in the same county, that on a certain day, at least ten days after the said notice given, they will be ready, to receive borrowers qualified according to the directions of this act: And as on that day borrowers offer, their names and the sums they apply for, shall be orderly entered in the minute book of proceedings herein after mentioned and every one shall be served, according to the priority of application, if there be no reasonable objections against the title and value of the lands offered to be mortgaged, or some other sufficient reasons, which shall be entered also in the minute book of proceedings. *Provided always*, that if upon the first day, so many borrowers offer, as to apply for a greater sum than the whole sum in that county to be lent out; then and in such case, every such borrower shall be abated of the sum applied for, proportionably. *Provided always*, that the loans aforesaid shall be in proportion, to the value of the lands only, exclusive of the buildings thereon.

ings by
loan off-
cers.

And be it further enacted by the authority aforesaid, That the new loan officers respectively, before they accept of the said lands in mortgage, for any of the said money, shall first view what is so offered in mortgage, or make due enquiry respecting the value thereof, and shall examine the titles thereto, by purusing the deeds, patents, surveys and other writings and conveyances, by which the same are held, and by which the value and quantity may be the better known, and the said loan officers respectively, are hereby empowered and required, to administer to all persons applying for any of the money as aforesaid, the following oath vizt. "I do swear that I am bona fide seised in fee simple, of the lands, tenements and hereditaments, by me now offered to be mortgaged, in my own right, and to my own use, and that the same were not conveyed to me in trust to borrow any sum or sums of money upon the same, for the use of any other person or persons whatsoever, and that the said premises are free and clear, from any other or former gift, grant, sale, mortgage, judgment, recognizance or other incumbrance whatsoever, to my knowledge and belief." And for the better satisfaction of the loan officers, as to the title and value of what is offered in mortgage by borrowers, the loan officers or either of them, are hereby authorised and empowered, to examine the borrower and witnesses concerning the same upon oath, and to administer such oath; a brief minute of which examination, and the names of the persons so examined, shall be entered in their said minute book of proceedings. And the loan officers of the several counties of Clinton, Otsego, Herkimer, Tioga and Ontario, shall not take any mortgage for any of the said monies, unless the title of the borrower to the lands mortgaged, shall be first duly recorded, or deposited with the loan officers.

Examina-
tion as to
sufficiency
of security.

And be it further enacted by the authority aforesaid, That the new loan officers of the several counties in this State respectively upon finding borrowers qualified, and upon being satisfied as aforesaid, as to the title and value of the lands offered to be mortgaged, shall and may by virtue of this act, lend out the money delivered to them as aforesaid at the interest of six per cent. per annum, in sums not exceeding three hundred pounds, nor under thirty pounds, unless the proportion as

Loans to
be made
at six per
cent;
amount;
value of
premises,
etc.

aforesaid be less to any one person, and shall take security for the same by way of mortgage as aforesaid, on improved lands then in the actual possession of the borrower, and situated in the same county of which they are loan officers, of at least double the value, exclusive of the buildings or rent charged thereon, of the sum so loaned, and shall also administer an oath or affirmation to the borrower as aforesaid; and the said mortgage shall be executed before two or more witnesses signing thereto, and the substance thereof shall be minuted in a book to be by the said loan officers kept for that purpose in each respective county; for the making of which mortgage and minute, the borrower shall pay to the said loan officers the sum of four shillings and no more; which mortgage and minute shall be, and each of them are hereby declared to be, matter of record; and an attested copy of the said mortgage, if in being, or of the said minute in case the said mortgage is lost, under the hands of the said loan officers and the seal of the said loan office shall be good evidence of the said mortgage, in any court within this State.

Interest,
payment
of: part
payment of
principal;
release on
full pay-
ment.

And be it further enacted by the authority aforesaid, That the interest of the money lent out as aforesaid, shall be payable yearly on the first Tuesday in May in every year, and it shall be optional with the borrowers to repay the principal sum at any time, before the first day of May one thousand eight hundred and two; and if legislative provision shall be made for the repayment of the said principal or any part thereof after the said first day of May one thousand eight hundred and two, the borrower shall be allowed the farther time of one year for the repayment thereof; and the respective loan officers are hereby required, at the lending of the money, to take the security for the same accordingly; and the said loan officers for every sum paid to them, shall give to the person paying the same, a receipt, and shall enter one minute of the same payment on the back of the mortgage, and another minute thereof in the book of accounts by them to be kept, and that without any fee or reward, but if the borrower, his heirs, executors, administrators or assigns, shall pay in a fourth, or a half part, or three quarters, or the whole of the principal due, to the said loan officers, on any first Tuesday of May in any year, the said loan officers are hereby required and empowered, to receive the same on the said first Tuesday of May annually, and on no other day of the year, unless so many shall offer payment on that day, that the said loan officers cannot, within the day receive the whole; and in that case, they are to continue to receive, until all who on that day offered, have paid the monies so offered, or unless he brings with him another sufficient borrower to give new security to the satisfaction of the loan officers for the whole of the money by him paid in, and in that case, the loan officers shall accept thereof on any of their stated days of meetings, and when the whole of the principal and interest is paid, the said loan officers shall (if required) give the party paying, a release of the mortgage given by the borrower, and shall tear off the name and seal, and make an entry on the margin of the mortgage, and in the margin of the minute made thereof, that on such day and year, such release was made, for which release, the releasee shall pay, the sum of two shillings, and no more; and when any parts of the principal are paid in as aforesaid, the loan officers shall, at the end of that meeting, compute the whole of the principal so paid in, and give public notice of the amount thereof by advertisements set up, and that they are ready to lend the said monies, to such persons as shall appear to be qualified according to the directions of this act, to borrow the same, and in the lending and taking security, shall conform

themselves (as near as the circumstances of the case can admit) to the directions herein before prescribed ; and if any money shall remain in their hands for want of borrowers, they shall set up advertisements of the amount thereof, and continue to do the like at the end of every of their stated meetings.

And be it further enacted by the authority aforesaid, That in case any of the new loan officers shall remove out of the county, die, or neglect or refuse, to perform the duty required or enjoined him by this act, or shall behave himself in his office with favour, affection, partiality or malice, whereby the public, or any private person may be injured, upon report or complaint made thereof to any two or more of the judges aforesaid of the county, for which he is loan officer, the said judges are hereby directed and required, by summons to convene the judges and supervisors of the same county, to meet at such time and place, as in the said precept shall be appointed, to hear and determine summarily upon the said report or complaint, and upon sufficient proof made, to any one or more of the said judges, with a major part of the said supervisors, of any death, removal, neglect or refusal in the said office as aforesaid, then and in that case, the said majority of supervisors, with concurrence of one or more of the judges aforesaid, shall proceed in manner as herein before directed, to elect, and are hereby directed and required to elect, a loan officer in the room and stead of such deceased or absent person, or such person who shall have neglected or refused as aforesaid, which said loan officer so elected as aforesaid, having entered into bond, and been qualified in like manner as other loan officers are by this act directed, shall then have all the powers, privileges and advantages, and shall be subject to all the penalties and forfeitures, which any of the loan officers of the county as aforesaid, are vested or charged with entitled or subject to, by virtue of this act.

Vacancy
in loan
office, how
filled.

And be it further enacted by the authority aforesaid, That if any of the new loan officers hereafter to be elected, shall desire to be discharged of and from the said office, any one or more of the judges aforesaid, shall and may, upon the application of such loan officer for that purpose, issue his or their precept, to summon the judges aforesaid, and the supervisors, to meet at a day and place in the said precept mentioned, to whom, when met, the said loan officer shall produce or render an account of his proceedings in the said office ; and if it appears upon examination, to a majority of the said judges and supervisors, that the said loan officer hath faithfully demeaned himself in the discharge of his said office according to the true intent and meaning of this act, then and in such case, such loan officer shall be discharged of and from his said office, and another fit person shall be by them elected to supply his place, who shall take the same oath or affirmation, give the like security, be subject the like penalties, restitutions and regulations, and receive the same salaries and advantages, as the other loan officers for that county by virtue of this act, are liable, subject, or entitled unto.

Discharge
of loan
officer on
his own
application.

And be it further enacted by the authority aforesaid, That when a loan officer shall be chosen and qualified as herein is directed in the place of a former loan officer, such former loan officer, his executors or administrators shall upon demand, deliver to the loan officer chosen in his place and qualified as aforesaid, all the monies, books and papers that were in such former loan officers custody, belonging to his office upon oath, before any justice of the peace, and in case any such loan officer, or his executors or administrators shall delay or refuse to make such delivery on oath when demanded as aforesaid, the bond of such former loan officer shall be forfeited.

Books,
etc., to be
delivered
to new
loan off-
icer.

Foreclosure of mortgage for non-payment.

And be it further enacted by the authority aforesaid, That if any borrower shall neglect to bring in and pay, or cause to be brought in and paid, yearly and every year on the first Tuesday in May, or within twenty two days thereafter on one of the days which the loan officers aforesaid are by this act directed to attend the respective loan offices, the yearly interest due by his mortgage, and also the principal when demanded as aforesaid, then and in either of these cases, the loan officers to whom such mortgage was granted, shall be seised of an absolute indefeasible estate, in the lands, tenements and hereditaments thereby mortgaged to them their successors and assigns, to the uses in this act mentioned. And the mortgagor, his or her heirs or assigns, shall be utterly foreclosed and barred of all equity of redemption of the mortgaged premises, any law, usage, custom or practice in courts of equity, to the contrary notwithstanding.

Meetings to receive payments.

And be it further enacted by the authority aforesaid, That the loan officers shall respectively attend the loan office every year, to receive the monies by this act directed to be paid to them, upon the first Tuesdays of May, and thereafter on the Tuesday in each week, for the term of three weeks.

Advertisements of sale of foreclosed lands.

And be it further enacted by the authority aforesaid, That the loan officers shall, within eight days after the last Tuesday of their attendance as aforesaid, yearly and every year, cause advertisements to be fixed up, at not less than three of the most public places of the county where the premises are situated, describing the quantity and situation of the lands mentioned in the several mortgages foreclosed as aforesaid, and giving notice, that on the third Tuesday in September in the same year, they are to be sold at the court house of the respective counties where the lands lie, (by way of public vendue, to the highest bidder) excepting in the city and county of New York, in which place, such vendue shall be held at the public coffee-house, in the said city.

Sale of lands, when and how made.

And be it further enacted by the authority aforesaid, That the new loan officers of the respective counties aforesaid, shall on the third Tuesday of September yearly, expose the lands in the mortgages foreclosed as aforesaid, to sale at public vendue, and upon such sale, shall convey the said lands to the highest bidder or bidders, and the purchaser or purchasers shall and may hold and enjoy the same lands for such estate as was conveyed to the said loan officers by the mortgage executed by such mortgagor, clearly discharged and freed from all benefit and equity of redemption and all other incumbrances made and suffered after the execution of such mortgage by the mortgagor, his or her heirs or assigns, and such purchaser or purchasers, shall pay the loan officers for drawing and executing such conveyance, the sum of five shillings.

Where no purchaser appears, or insufficient sum offered.

And be it further enacted by the authority aforesaid, That when any lands tenements or hereditaments mortgaged to the loan officers according to this act, shall be set up for sale as aforesaid, and no person shall bid, or offer at such sale, to give for the same lands tenements and hereditaments the sum of money for which the same were mortgaged, and then remaining unpaid, with the interest then due thereon, or if any person to whom any such lands, tenements or hereditaments shall at any such sale be struck of, shall not pay for the same, then and in every such case, the loan officers shall enter into and take possession of the said lands tenements and hereditaments, and let the same upon the best terms they can for the benefit of the county until the third Tuesday in April then next, and shall on the same third Tuesday in April sell the same lands, tenements and hereditaments at public vendue to the

highest bidder, giving at least six weeks notice of such sale in manner directed by this act (and if any deficiency shall happen by such sale) the loan officers shall give notice thereof to the supervisors of the county where the lands, tenements and hereditaments are situated at their next meeting, who shall cause such deficiency to be raised and paid to the loan officers on or before the first Tuesday in October then next; but if the mortgagor or his or her heirs or assigns shall at or before the sale of the mortgaged premises, pay to the loan officers all such sums as shall be payable on such mortgage on the first Tuesday of May then next for principal and interest, together with the charges of advertising the same then the said loan officers shall accept the same, and permit the said owner or his or her heirs or assigns to take possession of the said mortgaged premises, and to hold the same, until default shall be made in payment of any further sum on the said mortgage.

And be it further enacted by the authority aforesaid, That the money for which the premises are sold, shall upon the sale thereof be paid to the said loan officers, out of which they shall retain in their hands, the amount of the principal then due, together with the interest which would have been due thereon on the first Tuesday of May next thereafter, if such sale had not been made, as also the expence of the advertisements and of the sale, such expence not exceeding fifteen shillings, and the remainder, (if any be), the loan officers shall pay to the mortgagor, his or her heirs or assigns. *Provided always,* that if any person or persons offer at the time of the sale, to borrow (on sufficient security within this act) the whole principal that is to be retained out of the price, and lent out again, then and in that case, the loan officers shall not retain interest beyond the day of sale. *Provided also,* that if the purchaser inclines to borrow the principal sum or sums that is or are to be paid by him or her, and lent out again, and if the loan officers be satisfied with the security to be given by such purchaser in manner aforesaid, such purchaser shall be preferred to any other borrower. *Provided likewise,* that the loan officers shall not be obliged to take notice of any assignee of the mortgagor unless they enter a notice of their right with the said loan officers at or before the time of sale; which notice the loan officer shall enter on the mortgage and minute thereof on demand, the assignee paying one shilling for the same; and the assignees shall be preferred according to the priority of their entries of such notices.

Proceeds
of sale,
how ap-
plied.

And be it further enacted by the authority aforesaid, That after any lands, tenements or hereditaments are mortgaged according to the directions of this act, if it shall appear to the loan officers upon good and sufficient grounds (which they shall insert in the minute of their proceedings) that the mortgagor had no good right or title to the premises mortgaged, or has otherwise broken the covenant of his mortgage, so that the public may be in danger of losing the monies, or any part thereof advanced in loan upon the credit of the premises, it shall and may be lawful to and for the said loan officers, and they are hereby empowered and required to commence an action or actions of debt or covenant upon the said mortgage against the said mortgagor, his or her heirs executors or administrators and the same to prosecute to judgment, by all lawful ways and means whatsoever, in any court of record for the recovery of the whole monies lent upon the mortgage and the interest become due or that shall become due, until the first Tuesday of May next following the judgment with costs and charges, in which action or actions, the mortgagor shall be held to special bail, and the court in which such action is brought, is, and the judges thereof in

Actions
against
borrowers
for breach
of cove-
nant.

vacation are hereby authorized and directed to give such short day for the rules of pleading thereon, that judgment or a trial and final determination may be had the first court after the court at which the defendant first appeared to the same action.

Supervisors and judges to examine accounts and levy tax for deficiencies.

And be it further enacted by the authority aforesaid, That the supervisors and judges aforesaid, of the several counties of this State, shall on the first Tuesday in October next, and yearly thereafter on the first Tuesday of October in every year, meet together with the said loan officers at the court house of the county, and the majority of the supervisors with one or more of the judges aforesaid, shall carefully inspect and examine the mortgages, minutes and accounts of the loan officers and if it be found that any loan officer or officers has, or have refused or neglected to perform the duties enjoined upon him or them by this act, the said judges and supervisors shall elect a loan officer or loan officers in the stead of such who shall have so refused or neglected as aforesaid; and if any deficiency has happened by borrowers not having right to the lands mortgaged, or by the selling thereof at a less price than what is before mentioned or otherwise, then the said supervisors or a majority of them, with the concurrence of one or more of the said judges, shall cause all such deficiencies to be assessed and levied in the county as other county charges, so that the whole of such deficiencies be paid to the said loan officers by the first Tuesday of May then next following.

Penalty for failure of supervisor or judge to act.

And be it further enacted by the authority aforesaid, That in case one or more of the said judges and a majority of the supervisors aforesaid shall not meet on the first Tuesday in May next; or in case they shall not meet yearly on the first Tuesday in October; or in case they shall not meet when summoned by a precept of one or more of the said judges for the several purposes in this act mentioned; every of them in either of those cases that are absent (unless detained by sickness) shall forfeit the sum of two pounds, and the judge or judges then attending shall issue his or their precept to one or more constables, to summon the judges and supervisors to attend on that day week for the purposes aforesaid under double the penalty aforesaid, which, if neglecting then to attend if duly summoned, shall also forfeit, altho' a sufficient number do appear, and in case a sufficient number do not then appear, the judge or judges appearing shall proceed in like manner from week to week until a full number of supervisors do appear to perform the duty for which they ought before to have met. And in case the said supervisors or either of them when a majority of them are met, shall neglect or refuse to do the duty enjoined on him or them by this act when met; or shall on any pretence whatsoever on the day of their annually meeting neglect or omit the causing to be assessed levied and raised, the whole deficiencies that have happened by any of the means aforesaid, every of them neglecting their duty herein shall forfeit to the people of this State, the sum of five pounds, all which penalties before in this clause mentioned, are to be recovered before any one of the justices of the peace within the county where such forfeiture shall arise, one half to the use of such judge or judges and supervisors of the same county, endeavouring to perform their duty herein, who will sue and inform against the others and prosecute their suit to effect, and the other half to the use of the people of this State.

Deficiencies subsequently recovered by loan.

And be it further enacted by the authority aforesaid, That all and every the sums of money, which may at any time afterwards be recovered by the new loan officers aforesaid of such persons as have been the occasion of such deficiencies as aforesaid, shall be applied to the

use of such county, and the judge or judges and supervisors are here-
by empowered to take all lawful ways and means in the name of the
said loan officers to recover the same.

And be it further enacted by the authority aforesaid, That if any
monies shall remain in the hands of the new loan officers for want of
borrowers four weeks after the first day appointed for letting it out,
then it shall be lawful for them to let out the same on good security as
aforesaid by mortgage of improved lands in the same county, as afore-
said to any person who will borrow the same in any sums above three
hundred pounds.

And be it further enacted by the authority aforesaid, That if any monies
shall at any time remain in the hands of any of the new loan officers
for want of borrowers eight weeks after the day appointed for letting it
out as aforesaid, then and in every such case, such loan officers in whose
hands the same may remain or one of them with the consent of the
other to be entered and signed in the minute book of their proceedings
shall carry it to the loan officers of the next county or counties where
more money is demanded on loan than there are monies to lend, and
deliver it to the loan officers of such next county or counties upon their
receipt for the same, and entering a memorandum of it in the minute
book of their proceedings, which loan officers to whom such sum is
brought shall accept thereof, and shall set up advertisements thereof
and therein assign a day in the next week for borrowers to offer, and
shall proceed in lending such further sum in their county as nearly as
circumstances will admit in like manner as they proceeded in lending
the said sum ; of which transposition of those monies the loan officers
of the several counties shall from time to time give notice in writing
signed by them, to the treasurer, at the time of their paying to him the
first interest monies thereafter, of which notices to him he shall enter
memorandums in his book of accounts, the better to ascertain the in-
terest he is to receive yearly from the respective counties, and the prin-
cipal sums with which the said counties are charged.

And be it further enacted by the authority aforesaid, That the yearly
salary of the loan officers aforesaid for the services required of them by
this act, shall be as follows, that is to say.

For every of the loan officers of the county of New York the sum of
forty pounds.

For every of the loan officers of the county of Albany the sum of
thirty four pounds.

For every of the loan officers of the county of Suffolk the sum of
twenty pounds.

For every of the loan officers of the county of Queens the sum of
eighteen pounds.

For every of the loan officers of the county of Kings the sum of ten
pounds.

For every of the loan officers of the county of Richmond the sum of
ten pounds.

For every of the loan officers of the county of Westchester the sum
of thirty pounds.

For every of the loan officers of the county of Dutchess the sum of
fifty pounds.

For every of the loan officers of the county of Orange the sum of
twenty two pounds.

For every of the loan officers of the county of Ulster the sum of
thirty three pounds.

officers
to go to
county.

Loans of
over £300,
when to
be made.

Monies
not loaned
to be paid
to loan
officers of
adjacent
counties.

Salary of
loan offi-
cers.

For every of the loan officers of the county Columbia the sum of thirty three pounds.

For every of the loan officers of the county of Rensselaer the sum of thirty five pounds.

For every of the loan officers of the county of Washington the sum of thirty five pounds.

For every of the loan officers of the county of Clinton the sum of twenty pounds.

For every of the loan officers of the county of Saratoga the sum of twenty five pounds.

For every of the loan officers of the county of Montgomery, the sum of twenty five pounds.

For every of the loan officers of the county of Otsego the sum of twenty pounds.

For every of the loan officers of the county of Herkimer the sum of twenty pounds.

For every of the loan officers of the county of Tioga the sum of twenty pounds.

And for every of the loan officers of the county of Ontario the sum of twenty pounds.

And the said loan officers respectively, shall retain in their hands so much of the interest money paid into them, as will pay them their said respective salaries, and shall pay the remainder of the said interest to the treasurer of this State, annually on or before the last Tuesday of June in every year, and the receipt of the said treasurer shall be to the said loan officers and every of them, their heirs, executors and administrators, a sufficient discharge.

Loan
office,
where to
be kept.

And be it further enacted by the authority aforesaid, That the respective loan offices in this State, shall be kept at the court house of each respective county, and where there is no court house, at the place where the court of common pleas shall be held in the same county, or at some convenient place near the same, except in the counties of Orange and Westchester, in each of which counties, there being two court houses, the loan officers shall meet alternately, first at or near one court house, and then at or near the other. And the respective loan officers of this State shall, as soon as they receive the said monies from the treasurer, set up advertisements of the first day of their attending the loan office for the purposes herein before mentioned, and shall duly attend the same on that first day, and on every Tuesday and Wednesday in every week for the space of four weeks thereafter, if there be occasion.

Perjury
before
loan off-
cers.

And be it further enacted by the authority aforesaid, That if any person shall falsely swear or affirm, in any of the cases where an oath or affirmation is required to be taken by the act, or shall willfully and knowingly act contrary to any oath or affirmation he has taken in pursuance of this act, such offense is hereby declared to be perjury, and the offender being convicted thereof shall suffer the pains and penalties as in cases of wilful and corrupt perjury.

Searches
of loan
officers'
books.

And be it further enacted by the authority aforesaid, That the respective loan officers shall permit any person at seasonable times, to search and view the books of mortgages in their hands and custody upon paying one shilling for the search. And the entry of the respective mortgages in the books of the said loan officers shall have the like priority, operation and effect as if such mortgages were registered in the office of the clerk of the county, in which the lands mortgaged lie.

Form of
mortgages.

And be it further enacted by the authority aforesaid, That for the greater uniformity in the securities to be taken by the loan officers, for the

money to lent by virtue of this act, the mortgages shall be in the form following, to wit. "This indenture made the day of in the year of our Lord one thousand between of the county of of the first part, and the new loan officers of the county of of the second part witnesseth, that the said for and in consideration of the sum of to well and truly paid by the new loan officers of the county of aforesaid, hath granted, bargained, sold, aliened, released, enfeoffed and confirmed, and by this presents, doth grant, bargain, sell, alien, release, enfeoff and confirm to the new loan officers of the county of aforesaid and their successors and assigns forever all that together with all and all manner of improvements hereditaments and appurtenances whatsoever to the same belonging or in any wise appertaining, and all the estate, right, title, interest, claim and demand whatsoever of the said of, in and to the above bargained premises, and every part thereof to have and to hold the above bargained premises and every part thereof with the appurtenances unto the said loan officers of the county of and their successors and assigns forever, to the uses and for the purposes mentioned in an act of the legislature of the State of New York entitled "An act for loaning monies belonging to this State." *Provided always*, and these presents are upon this condition, that if the said heirs, executors, administrators, or assigns shall pay or cause to be paid to the new loan officers of the county of the interest of the said sum of at the rate of six pounds per cent per annum, on the first Tuesday of May yearly and every year, and shall also pay to the said loan officers of the county of the said principal sum of with all the interest then due for the same, when the same shall be by them demanded at any time after the first Tuesday of May, which will be in the year of our Lord, one thousand eight hundred and two, then the above grant, bargain and sale, and every article and clause thereof shall be void. But if failure be made in any of the payments abovementioned, then the above bargain and sale is to remain in full force and virtue. And the said for heirs and assigns hereby agree to be absolutely barred of and from all equity of redemption of the premises after the expiration of twenty two days after such failure. And the said for heirs executors administrators and assigns, hereby covenant, grant and agree to, and with the said loan officers of the county of and their successors, well and truly to pay to them the interest of the said sum of at the rate aforesaid, annually on the first Tuesday of May in every year, and the said principal sum of with all the interest then due thereon when demanded as aforesaid, after the first Tuesday of May which will be in the year one thousand eight hundred and two, and that at the time of sealing and delivering of these presents, the said lawfully seized of the above bargained premises, of a good, sure, perfect, absolute and indefeasible estate of inheritance. And that the same now are free and clear of and from all former and other gifts, grants, bargains, sales, leases, judgments, recognizances, dowers, rights of dower and other incumbrances whatsoever. *And also* that the above bargained premises, upon the sale thereof pursuant to the directions of the said act will yield the principal and interest aforesaid remaining unpaid at the time of such sale, and until the first Tuesday of May next, after such sale, together with fifteen shillings for the charges of such sale. In witness whereof the said ha hereunto set hand and seal the day and year first above written." Sealed and delivered in the presence of us."

Printer to
supply
books of
mortgages.

And be it further enacted by the authority aforesaid, That the printer to this State shall print ten thousand copies of the said mortgage, and bind so many of them in a book, together with six leaves of clean paper for an alphabet for the use of the loan office of each county, that there may be a mortgage for every thirty pounds given to the loan office of that county, and the number remaining he shall give in loose sheets, to be distributed in the like proportion to each of the new loan officers, in order therewith (if there should be occasion) to give attested copies of the original mortgages to the purchasers of any of the mortgaged lands; and the printer shall deliver the said books, together with the said loose sheets to the treasurer of this State, who shall deliver the same together with the monies to the new loan officers of each county.

Mortgages
to be filled
up in
books.

And be it further enacted by the authority aforesaid, That no mortgages shall be taken in the loan offices, but by filling up one of the blanks of the book of mortgages, and none of the mortgages shall be defaced or torn out, except the seals when the mortgagor pays the whole principal and interest of the mortgage; and the loan officers shall proceed in taking the mortgages, from the beginning of the book forward, numbering the mortgages as they are taken, and inserting the mortgagors name and number in the alphabet under the letter answering to the mortgagors surname.

Minute
books to
be fur-
nished.

And be it further enacted by the authority aforesaid, That the printer to this State shall cause to be bound, twenty books of paper, one for the use of each loan office and to be about two thirds of the size of the book of mortgages for the same county, to be delivered as aforesaid with the book of mortgages.

How min-
ute books
to be kept.

And be it further enacted by the authority aforesaid, That the new loan officers shall, in one end of the last mentioned book, minute the substance of each mortgage, that is, the number thereof, the date, the mortgagors name, the sum lent and the boundaries of the lands mortgaged, and when one of the loan officers has the custody of the book of mortgages, the other loan officer shall have the custody of the said minute book, that accidents by fire or otherwise, may at all times be guarded against; and the printer shall make an alphabet to the said book, like to that of the book of mortgages; and the mortgagor for his satisfaction may examine or see the minute examined with the original mortgage, and with the witness shall sign the same.

Minutes of
proceed-
ings, how
kept.

And be it further enacted by the authority aforesaid, That the new loan officers, beginning at the other end of the said book, shall insert the minutes of their proceedings therein, as follows. *First.* The day they meet, place, house and loan officers present. *Second.* If any one is absent, they shall at their next meeting, minute the cause of his absence. *Third.* Shall enter the hour that every one applies for the loan of money, and the sum he applies for. *Fourth.* Shall enter down the reason why a prior applicant had not the money according to his application, and the substance of examinations for clearing titles and value. *Fifth.* Shall enter down the monies received from the treasurer, and the monies delivered to or received from the loan officers of another county, and the day when, with a copy of the notice thereof to be delivered to the treasurer, and by whom. *Sixth.* The last day of their four days of meeting for receiving of monies yearly, they shall enter whose mortgages are foreclosed, and the number and sums of them. *Seventh.* Shall enter the orders for, and copies of the advertisements for sale, and places at which they are to be set up, and the persons names that are to set them up. *Eighth.* Shall enter the names of the purchasers of lands and prices sold for, and payment of the overplus to

whom it belongs, with the time and witnesses of such payments. *Ninth.* In case any principals or part thereof are paid in before the times of payment in the mortgages, the whole amount of such principals so paid in, shall be entered in the said book. *Tenth.* Shall enter the cause of all suits, and the informations they have received and of whom, at length, or if too long, refer to them in papers apart, minuting the substance. *Eleventh.* Shall enter their meetings with the judges and supervisors, and persons present, together with the minutes of all proceedings of such judges and supervisors, particularly what were the deficiencies laid before them, what measures were taken for assessing and levying such deficiencies, and which of the said judges and supervisors were for assessing, or for neglecting or delaying it.

And be it further enacted by the authority aforesaid, That the printer to this State, shall cause to be bound other twenty books of paper, one of them for the use of each loan office, about two thirds of the size of the book of mortgages for the same county, to be delivered as aforesaid with the book of mortgages; and that therein shall be entered all the accounts of the loan office; that at the beginning, there shall be an alphabet, wherein shall be inserted every mans name, and the page wherein his account stands; and that this book be kept in the fairest and best method that the loan officers can, and it is to remain in the custody of him who has the minutes of the mortgages and proceedings.

And be it further enacted by the authority aforesaid, That the deeds to be granted by the new loan officers for any lands to be sold by them whereof the equity of redemption is foreclosed, shall be in form following, to wit. "This indenture made the day of in the year of our Lord one thousand between the new loan officers of the county of of the first part and of the second part, witnesseth, that the said loan officers of the county of for and in consideration of the sum of to them in hand paid by the said whereof they acknowledge the receipt and discharge, the said heirs, executors and administrators thereof forever, have pursuant to a law of the State of New York entitled "An act for loaning monies belonging to this State," granted, bargained, sold, released, enfeoffed and confirmed, and by these presents do grant, bargain, sell, release, enfeoff and confirm unto heirs and assigns, all that together with all, and all manner of improvements, hereditaments and appurtenances whatsoever, to the same belonging or in any wise appertaining, and all the estate right title interest claim and demand whatsoever of the new loan officers of the county of and their successors to the above bargained premises and every part thereof. To have and to hold the above bargained premises and every part thereof with the appurtenances to the said heirs and assigns forever. In witness whereof the said loan officers of the county of have hereunto set the seal of their corporation together with their hands, the day and year above written." Sealed and delivered in the presence of." To which deed the loan officers shall affix the seal of the loan office and respectively subscribe their names in the presence of two witnesses.

And be it further enacted by the authority aforesaid, That upon every sale of lands, the new loan officers shall fill up the blanks in one of the loose sheets of blank mortgages like to the original mortgage, and attest the same as a true copy under their hands and the seal of the loan office, and give it instead of the original mortgage, for evidence of the title to the purchaser. And the bond to be given by the loan officers shall be in the following form, to wit. "Know all men by these presents that we are held and firmly bound unto the people of the

Books of account to be furnished.

Form of deeds by loan officers.

Attested copies of mortgages for purchasers.

Bond of loan officers.

State of New York in the sum of _____ to be paid to the people of the State of New York, for payment whereof we bind ourselves, our heirs executors and administrators jointly and severally firmly by these presents, sealed with our seals and dated the _____ day of _____ in the year of our Lord one thousand _____

"The condition of this obligation is such, that if the above bounden shall and do well and truly perform the office and duty of one of the loan officers of the county of _____ pursuant to the act entitled "An act for loaning monies belonging to this State," and shall demean himself therein without favour malice or partiality, then the obligation to be void, otherwise to remain in full force and virtue." Sealed and delivered in the presence of _____."

Common council in New York to have same power as supervisors and judges of other counties.

And be it further enacted by the authority aforesaid, That all the power and authority by this act given to, and duties required to be done by the judges and supervisors of the several other counties of this State shall be vested in and exercised by the mayor aldermen and commonalty of the city of New York in common council convened so far as the matters and things, in this act contained relate to the county of New York. And the mayor, recorder aldermen and assistants for the time being, of the city of New York shall be subject to the like penalties and forfeitures as the said judges and supervisors are subject to for any default or neglect.

When payments to be made by treasurer.

And be it further enacted by the authority aforesaid, That the treasurer shall pay the aforesaid several sums of money directed to be paid to the loan officers of the several counties of Ontario, Herkimer, Tioga, Otsego and Clinton upon their respectively producing to him certificates of their qualifications as aforesaid. And that he shall pay the aforesaid several sums, directed to be paid to the respective loan officers of the several other counties in the following order vizt. Washington, Montgomery, Saratoga, Rensselaer, Albany, Columbia, Ulster, Dutchess, Orange, Westchester, Suffolk, Queens, Richmond, Kings and New York, as money not otherwise appropriated may be, or may come into the treasury.

CHAP. 26.

AN ACT to incorporate the Society of Mechanicks and Tradesmen of the city of New York, for charitable purposes.

PASSED the 14th of March, 1792.

Preamble.

WHEREAS Robert Boyd and others, mechanicks and tradesmen of the city of New York, associated as a society under the stile of "The General Society of Mechanicks and Tradesmen of the city of New York," for the laudable purposes of protecting and supporting such of their brethren, as by sickness or accident, may stand in need of assistance, and for the relief of the widows and orphans of those, who may die leaving little or no property for their support, by their petition, presented to the legislature have prayed to be incorporated, to enable them more beneficially to carry into effect, their charitable intentions. Therefore,

Names of incorporators.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the said Robert Boyd, together with Nicholas N. Anthony, Thomas Allen, William Allen, Jacob Arden, Francis Arden, John Amory Allard Anthony, Jacob I. Arden, Thomas Ash, Elbert Anderson, Jacob Arnold, John Burger, John Burger, junior, William

Bryar, Michael Brooks, Abraham Bloodgood, Francis Basset, David Barclay, Walter Bicker, Gardner Baker, James Brown, James Bramble, John P. Bassonett, John Brower, Thomas Brewen, James Byrne, John Brown, Peter Bertine, John Bingham, James D. Bissett, Thomas Brown, John Banks, Isaac Boyea, Caleb Boyle, John Campbell, Joseph Cheesman, John Commendener, John Cole, Peter Cole, Richard Cunningham, Samuel Campbell, Francis Childs, William Corleys, William Carman, John Clitz, Seabury Champlain, John Crolus, Isaac Coulthard, James Culbertson, Richard Davis, John Delamontanye, Walter Degraw, James Van Dyck, John Van Dyck, William I. Elsworth, John Elsworth, Jacob Fisler, Gabriel Furman, Jacob Fee, William Forde, George Gosman, William W. Gilbert, John Goodeve, John Gilmore, Robert Gosman, Alexander Gibson, Caleb Haviland, Thomas Hazard, Robert Hodge, Peter Hulick, Hercules Heron, William Hopson, Daniel Hitchcock, Jabez Halsey, Jacob Hallet, Aaron Howel, Obadiah Helmes, Thomas Ivers, Joseph Jadwin, Seth Kneelen, George Lindsey, Robert Lilburn, Thomas Lefoy, John Moore, John McComb senior, Dennis McCready, John Mills, Malcom McEuen, George Merserve, William Merserve, William Mooney. White Matlack, William Mooney, Peter R. Maverick, David Mann, Andrew Morris, James Moore, John McBaine, Robert McDowl, John Ming, Isaac Moore, Peter McCartney, John McCombe, junior, Joseph Newton, Isaac Nicoll, John Norman, Anthony Ogilvie, Andrew Otterson, Anthony Post, Abraham Polhemus, Jotham Post, John Perian, Edward Paten, George Pake, George Peck, Alexander Peacock, William Phillips, William Parker, Abraham Russel, James Robinson, Frederick Resler, Thomas Ross, John Ross, Abraham Ricker, John I. Ritchie, Daniel Ruckle, John Stagg, Thomas Stevenson, John Sidell, Daniel Stansbury, John Stricker, Graderus Smith, Frederick Stymets, Stephen Smith, Anthony Simons, Jacob Sherred, George Seal, George Speth, Henry Snyder, William Stymets, Peter Shackerly, Cornelius Sebring, Andrew Thompson, James Tylee, James Teller, Ahasuerus Turk, Thomas Timpson, Daniel Tooker, John Utt, John Wylley, Henry Will, Edward Watkeys, Hugh Walsh, William Wright, George Warner, Henry Wolf, James Warner, Nathaniel Woodward, Benjamin Williamson, John Wood, John Wright, Andrew Wright, and John Young, and all persons being mechanics or tradesmen, and resident within the city and county of New York, who hereafter shall be members of the said society, shall be, and hereby are ordained constituted and declared to be, one body corporate and politic, in fact and in name, by the name, of "The General Society of Mechanicks and Tradesmen of the city of New York" until the first Monday of April, one thousand eight hundred and twelve, and that by that name, they and their successors for the term aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of action and actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure. *And also* that they and their successors, by the name of "The General Society of Mechanicks and Tradesmen of the city of New York" shall be in law, capable of purchasing, holding and conveying any estate real or personal, for the public use of the said corporation.

Corporate powers.

Provided, That the lands tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting a house or hall thereon, in which

Power of holding real estate limited.

to meet, and to transact the business of the said corporation, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments, which shall have been obtained for such debts : And

Value of estate limited. *Provided also,* That the amount of the real and personal estate, which the said corporation are hereby enabled to hold, shall not at any one time, exceed the sum of fifty thousand dollars.

Officers of the society, election of, their duties. *And be it further enacted,* That the officers of the said corporation, shall be a president, vice president and a second vice president, a treasurer and secretary, who shall hold their offices for one year, and shall be citizens of this State, and be elected on the first Tuesday in January in every year, at such time of the day, and at such place, in the city of New York, as shall be fixed and ascertained by the bye laws of the said corporation. That all elections of the said officers or any of them, shall be by ballot, and such person who shall have at any election the greatest number of votes given at such election, as president, shall be the president ; and in like manner, the person who shall have the greatest number of votes as vice president shall be vice president ; and in like manner the person who shall have the greatest number of votes for second vice president, shall be second vice president ; and in like manner the person who shall have the greatest number of votes as treasurer, shall be treasurer ; and in like manner the person who shall have the greatest number of votes as secretary, shall be secretary. And the said officers shall hold their respective offices for one year ; and until others shall be chosen in their places. That if any vacancies shall happen among the said officers, by death, resignation or removal, such vacancies shall be filled for the remainder of the year, in which they may happen, by a special election for that purpose, to be held in the same manner, as the annual elections are made at such times and places, as shall be provided for and determined, by the bye laws of the said corporation. That Robert Boyd shall be the first president of the said corporation ; Anthony Post vice president thereof, Daniel Hitchcock second vice president thereof, Thomas Lefoy the treasurer thereof, and John Elsworth the secretary thereof, who shall hold their offices respectively, until the first Tuesday in January next, and until others shall be chosen in their places.

Where election not made on day fixed. *And be it further enacted,* That in case it should at any time happen, that an election of officers should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of officers, in such manner, as shall have been regulated by the laws and ordinances of the said corporation.

Election; where to be held; quorum. *And be it further enacted,* That all elections and all meetings of the said corporation, shall be made and held in a place certain, to be fixed and determined by the bye-laws of the said corporation, and that at all such elections and meetings of the said corporation, so to be held as aforesaid, twenty five members thereof, including the president, or in his absence the vice president, or in his absence the second vice president, shall be considered as a quorum of the said corporation, and shall have full power to do and transact all the business thereof.

By-laws and ordinances. *And be it further enacted,* That the said corporation and their successors, shall have full power to make and prescribe such bye laws, rules, ordinances and regulations, as to them from time to time shall appear needful and proper, touching the management and disposi-

tion of their stock, property, estate and effects, for the purposes aforesaid, and touching the meetings of the said society, both special and ordinary, except the first Tuesday in January in every year, which is hereby declared to be the annual meeting of the society; and touching the duties and conduct of the officers of the said corporation, and touching the election of officers, and all such other matters as appertain to the business, ends and purposes for which the said corporation is by this act instituted, and for no other purposes whatsoever.

Provided, That such bye laws, rules and regulations, be not repugnant to the constitution or the laws of the United States, or of this State.

And be it further enacted, That all persons being mechanicks or tradesmen, and resident within the city and county of New York, desiring to become members of the said corporation shall be proposed by at least two members, one meeting previous to his or their election; which shall be by ballot, and determined by two thirds of the members present at such election; that then he or they so elected, on paying into the hands of the treasurer such sum as the corporation by their bye-laws shall direct, *provided* the same shall not exceed the sum of ten dollars, shall have his or their names inserted in the general register, and shall be entitled to all the privileges and benefits arising therefrom.

Members,
who eligi-
ble and
how elected

And to the end, that the funds of the said corporation, may never be diverted to any other, than the charitable purposes for which the institution has been expressly made and created;

Be it further enacted, That the said corporation shall, within twenty days after the passing of this act, exhibit to the chancellor of this State, a full and particular account of all the estate real and personal, then vested in the said corporation, attested by the oath of the treasurer thereof, that the same is a true and perfect account; and shall also in every year thereafter, during the continuance of this act, and between the first and last day of May in each year, exhibit to the chancellor for the time being, a like account, together with a particular and detailed account of all monies by the said corporation expended in the preceding year, specifying the several purposes to which it has been applied: And if it shall appear to the said chancellor, that any monies (except for the necessary repairs of any buildings, which may belong to the said corporation, or for the payment of the treasurer or secretary thereof, or for other charges expressly incidental to the management of the funds thereof, have been applied by the said corporation to any use, other than for the support of indigent members of the said corporation, or the widows or children of any person having been a member thereof, he shall direct the attorney general of the State for the time being, ex officio, to file an information against the said corporation in the supreme court of this State, and if upon the traverse, the said corporation shall be found guilty, and judgment shall pass thereupon, that thenceforth the said corporation shall cease and become null and void, and the estate real and personal which it may then possess, shall vest in the people of this State.

Account to
be ren-
dered; how
society
may be
dissolved.

And be it further enacted, That this act be, and hereby is declared to be a public act; and that the same be construed in all courts and places benignly and favourably, for every beneficial purpose therein intended.

Act, how
construed.

CHAP. 27.

AN ACT to extend the act entitled, "An act for the better laying out and keeping in repair the public highways and private roads, in the county of West-Chester," to certain roads in the county of Montgomery.

PASSED the 23d of March, 1792.

Act recited
extended
to Mont-
gomery
county.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the act entitled "An act for the better laying out, and keeping in repair, the public highways and private roads in the county of West Chester," shall be, and is hereby extended to the county of Montgomery, so far forth as respects the roads next adjoining to the Mohawk river, on both sides thereof, from the county of Albany to the county of Herkemer; and that the act entitled "An act for the better laying out, regulating and keeping in repair, all common and public highways and private roads, in the counties of Ulster, Orange, Dutchess, Washington, West-Chester, Albany, and Montgomery," so far as respects the above mentioned roads in the said county of Montgomery, be, and the same is hereby repealed.

Right of
way on
roads in
Montgom-
ery county.

And be further it enacted, That in the said county of Montgomery, where any carriages or sleighs meet each other, on any of the said roads or highways, the persons in carriages or sleighs going from the city of Albany, shall give way to those going towards the said city.

CHAP. 28.

AN ACT for the relief of certain Baptists, having conscientious scruples against taking an oath.

PASSED the 23d of March, 1792.

Preamble.

WHEREAS it has been represented to the legislature, by the petition of sundry persons of the denomination of christians of the Baptist persuasion, that many of their society have conscientious scruples against taking an oath. For the relief of such persons,

Baptists
may affirm.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all persons of the denomination of christians stiled Baptists, being members in full communion of any Baptist church, and who have conscientious scruples against taking an oath, shall be permitted to take the affirmation allowed to be taken by the people called Quakers, in the form prescribed in and by the statute entitled "An act that the solemn affirmation and declaration of the people called Quakers, shall be accepted instead of an oath."

Certificate
to be pro-
duced.

Provided, That every person claiming the benefit of this act, shall produce a certificate from the clerk of the Baptist church to which he does belong, that he is a regular member, and in good standing in such church, and that he hath conscientious scruples against taking an oath.

Perjury,
false af-
firmation
deemed.

And be it further enacted, That if any person or persons making such solemn affirmation or declaration, shall be lawfully convicted of having wilfully, falsely and corruptly, affirmed and declared any matter or thing which if the same had been deposed in the usual form, would

have amounted to wilful and corrupt perjury, every person so offending shall incur and suffer the like pains, penalties and forfeitures as by the laws and statutes of this State, are or shall be directed to be inflicted, on persons convicted of wilful and corrupt perjury.

CHAP. 29.

AN ACT to amend an act entitled "An Act to regulate the repacking of beef and pork for exportation" so far as relates to the counties of Suffolk Kings and Queens.

PASSED the 23d of March, 1792.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all barrels and half barrels in which any beef or pork shall be repacked in the counties of Suffolk Kings and Queens in pursuance of the act entitled "An act to regulate the repacking of beef and pork for exportation" passed the seventh day of March one thousand seven hundred and eighty eight, may be made of good black oak or red oak staves and heading of the growth of the said counties respectively any thing contained in the said act to the contrary notwithstanding.

Beef and pork, packing of, in certain counties.

CHAP. 30.

AN ACT for the relief of George Peck, and to repeal the twenty third section of the act entitled "An act for the payment of certain sums of money and for other purposes therein mentioned.

PASSED the 23d of March, 1792.

WHEREAS John Johnson late of Pecks-Kill in the county of Westchester has been convicted of adhering to the enemies of the people of this State, and his estate is hereby become forfeited to the people of this State. *And whereas* the said John Johnson, had previous to his conviction, mortgaged to George Peck a certain real estate in the said county of Westchester for securing the payment of money due to the said George Peck. *And whereas* there is now in the treasury of this State, property arising from the estate of the said John Johnson sufficient to pay the monies due on the said mortgage. Therefore

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this State, and he is hereby directed to pay to the said George Peck, the money due for principal and interest on the said mortgage, upon his assigning and conveying his estate and right of in and to the said mortgage and mortgaged premises to and for the use of the people of the State of New York.

Appropriation to George Peck.

And be it further enacted by the authority aforesaid, That the twenty third section of the act entitled "An act for the payment of certain sums of money and for other purposes therein mentioned" passed the fifth day of May in the year of our Lord one thousand seven hundred and eighty six, shall be and hereby is repealed.

Part of act recited repealed.

CHAP. 31.

AN ACT to establish a temporary jurisdiction line between the town of Schenectady and the county of Saratoga.

PASSED 23d March, 1792.

Preamble. WHEREAS doubts have arisen respecting the bounds of the town of Schenectady and the county of Saratoga from which many inconveniences arise to the inhabitants residing near the northerly and easterly bounds of the said town for remedy whereof.

Schenectady, town of, bounds of. *Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the surveyor general and he is hereby directed, as soon as may be, to run the easterly and northerly bounds of the patent granted to Sware Teunisse and others, commonly called the Schenectady patent on the north side of the Mohawk river, in such a direction and upon such principles as shall appear to him to be the true intent and meaning of the patent, which line so run, shall be the northerly and easterly bounds of the town of Schenectady in the county of Albany, until the further order of the legislature.

Private rights not affected. *Provided always,* That the said line shall only be considered as a line of jurisdiction, but shall not be deemed to take away, abridge, destroy or affect the right or title of any person or persons, bodies corporate or politic in any manner, or by any means whatsoever, nor be deemed, taken or construed as a confirmation of the bounds of any patent or patents whatsoever.

CHAP. 32.

AN ACT for the relief of Benjamin Lyon.

PASSED the 23d of March, 1792.

Preamble. WHEREAS Benjamin Lyon, administrator of the personal estate of Caleb Hyatt deceased, on the eleventh day of November one thousand seven hundred and eighty four, paid into the treasury of this State one hundred and four pounds nine shillings and a penny in loan office certificates, of which sum eighty one pounds nine shillings and ten pence was principal, as a debt due from Caleb Hyatt to William Axtell whose estate was forfeited, which debt as since appears, was due, and has been paid to David M. Clarkson and Matthew W. Clarkson. Therefore

Appropriation to Benjamin Lyon. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That the treasurer of this State pay to the said Benjamin Lyon the sum of one hundred and four pounds, nine shillings and one penny, with interest at the rate of six per centum per annum, on the sum of eighty one pounds nine shillings and ten pence, parcel thereof, from the eleventh day of November one thousand seven hundred and eighty four, until the day of the passing of this act.

CHAP. 33.

AN ACT to repeal the acts therein mentioned.

PASSED the 23d of March, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the act entitled "An act directing the times places and manner of electing representatives in this State for the House of Representatives of the Congress of the United States of America" and the act entitled "An act to alter the time of meeting of the committee for canvassing the votes for representatives of this State in the Congress of the United States" shall be and hereby are repealed.

Acts
recited
repealed.

CHAP. 34.

AN ACT for the relief of William Chace, and for keeping in repair the bridge erected over Hosick river.

PASSED 23d March, 1792.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful, to and for the commissioners of the land office, and they are hereby directed to cause to be laid out for William Chace at his expense, a tract of unappropriated land nor exceeding twelve thousand acres, in such part of the State as they may think proper to the northward of the Mohawk river, as a compensation for the bridge lately erected by him over Hosick river in the county of Rensselaer, and to cause the same to be granted by letters patent under the great seal of this State, to him and his heirs, upon his granting and conveying the said bridge, and all his right title and interest of, in and to the same, and of, in and to the highway leading to and from the said bridge, one each side of the said river, to the people of this State.

Lands to be
laid out for
William
Chace.

And be it further enacted, That the commissioners of the highways for the town of Schachtekoke, for the time being, shall cause the said bridge from time to time, to be maintained and kept in repair at the expense of Rensselaer county; such expense to be assessed, raised and collected in the said county, in the same manner as the other contingent charges of the said county, are assessed, raised and collected; which monies so raised for the expense of the said bridge, shall be paid to the commissioners of the highways in the town of Schachtekoke for the purpose aforesaid; *Provided* the sum so to be raised for such expense shall not exceed in any other year, the sum of fifty pounds.

Maintenance of
certain
bridge a
charge on
town of
Schachte-
koke.

And be it further enacted, That the act entitled "An act for the relief of William Chace" shall be and hereby is repealed.

Act recited
repealed.

CHAP. 35.

AN ACT concerning administrations and escheats.

PASSED 23d March, 1792.

Preamble. WHEREAS administrations have been frequently granted in this State, upon the mere suggestion of the party applying for the same, without due proof of the death of the person upon whose estate they are granted; and it has happened, that administrations have been granted upon the estates of persons who were then living and residing within this State. And administrations are frequently granted to persons in no wise related to the intestate and who procure administrations only with a view of appropriating the estates of the intestate to their own use, from which practices great inconveniencies are likely to ensue. For remedy whereof

**Adminis-
tration to
be granted
only on
proof of
death.** *Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That no letters of administration shall hereafter be granted by the judge of probates, or by any surrogate, upon the estate, goods, chattels or credits of any person, represented as having died intestate until due proof be made before the said judge or such surrogate to his satisfaction, that such person is dead and died intestate.

**Granting
of letters,
to whom
and how.** *And be it further enacted by the authority aforesaid,* That when application is made for letters of administration upon the estate goods chattels or credits of any person dying intestate, by any person or persons not entitled to the same as next of kin to the intestate, the judge of the court of probates, or surrogate, to whom such application shall be made, shall before the granting of the administration, issue a citation to the next of kin to the intestate, summoning them to appear and shew cause if any they have, why the administration should not be granted to the person or persons so applying, which citation shall be served upon the next of kin to the intestate if to be found in this State. And if the next of kin to the intestate cannot be found in this State, then a copy of such citation shall be affixed up in some public place in the town where the intestate did reside at the time of his death, at least four weeks before the return thereof. And in case such intestate did not reside within this State at the time of his death, then a copy of the citation shall be published in the newspaper printed by the printer for this State for four weeks successively before the return thereof. And in case it shall be represented, that such intestate left no relations entitled to his estate, then a copy of such citation shall also be served upon the attorney general of this State for the time being, at least twenty days before the return thereof.

**Bonds of
adminis-
trators.** *And be it further enacted by the authority aforesaid,* That the judge of the court of probates of this State, and the surrogates of each of the respective counties of this State, and every of the for them time being, shall and may upon their respectively granting and committing of administration of the goods of any person, with the will of such person annexed, take of the respective person or persons, to whom such administration shall be committed, bonds with two or more able and sufficient sureties, being freeholders, to the people of the State of New York in such penalty as the judge or such surrogate shall think reasonable, respect being had to the value of the estate, with condition as follows. viz. "The condition of this obligation is such that if the above bounden

administrator (or administratrix as the case may be) of all and singular the goods chattels and credits of deceased with the will of the said annexed, and not administered by (as the case may be), do make or cause to be made, a true and perfect inventory of all and singular the goods chattels and credits of the said deceased, which have or shall come to the hand possession, or knowledge of the said or into the hands or possession of any other person for the said " and the same so made, do exhibit, or cause to be exhibited (where such bond shall be taken by the judge of the court of probates) into the registry of the court of probates of this State (but where such bond shall be taken by a surrogate) into the office of the surrogate of the county of at or before the expiration of six calender months from the date of the above written obligation. And the same goods chattels and credits, and all other goods chattels and credits of the said deceased at the time of death, which at any time after shall come into the hands or possession of the said or into the hands or possession of any other person or persons for the said do well and truly administer according to the directions and true intentions of the testator (or testatrix as the case may be) expressed in the will to the letters of administration granted to the said annexed, and as the law directs, and further when thereunto lawfully required, do make or cause to be made a just and true account of administration; then this obligation to be void and of none effect or else to remain in full force and virtue." Which bonds shall be of the same force and effect, and may be prosecuted upon the like occasions, and for the purposes, and in the same manner as the bonds taken upon granting administrations on the estates of persons dying intestate.

And be it further enacted by the authority aforesaid, That in all cases where administration hath been or hereafter shall be granted to any person or persons not the widow of or not of kin to the intestate, and no person hath or shall within one year after granting the letters of administration, appear to claim the personal estate of such intestate as next of kin, then and in every such case, the administrator or administrators shall pay the amount of the personal estate, after deducting the debts and funeral charges of the intestate into the treasury of this State, for the benefit of those who may thereafter appear to be entitled to the same. And if any administrator shall refuse or neglect so to do, it shall and may be lawful for the attorney general of this State for the time being, and he is hereby directed, at any time after the expiration of one year after the granting the said administration, to cause such administrator to be cited, to exhibit a just and true inventory, and render an account of the administration of the goods chattels and credits of such intestate, unless such administrator shall have before exhibited such inventory and then only to render an account of the administration as aforesaid: And the judge of the court of probates, or surrogate before whom such administrator shall be cited shall thereupon examine and settle such account, and after deducting all debts and funeral charges of the intestate, shall order and direct the administrator to pay the balance to the treasurer of this State for the purposes aforesaid, but no commission whatsoever shall in such case be allowed to such administrator on such account. And in case any such administrator shall neglect or refuse to exhibit such inventory, or to render such account, or to pay the amount of the estate of the intestate to the treasurer as aforesaid, then and in every such case, it shall be lawful for the attorney general and he is hereby directed to cause a suit to be brought, for and

Accounting by administrator where no next of kin appears.

on behalf of the people of the State of New York, against such administrator in any court of record for the sum so ascertained by the judge of the court of probates or surrogate, or in the court of chancery, for an account of the estate of the intestate, and to compel payment of the same into the treasury as aforesaid, and also to cause suits to be brought upon the bond given by such administrator upon obtaining the letters of administration. And if such administrator shall be found in default, and judgment or a decree be given or obtained against him in any such suit and upon such bonds, shall be paid into the treasury of this State suit he shall pay costs therein to be taxed to the attorney general. And the monies recovered in every such for the purposes aforesaid. And if any person at any time thereafter shall claim any part of the money so paid into the treasury, such person may present a petition to the chancellor stating the claim, and praying an order to the treasurer to pay the money, a copy of which petition shall be served upon the attorney general, who shall put in an answer to the same. And the chancellor shall thereupon examine the said claim, and the allegations and proofs, and if he shall find that such person is entitled to any money so paid into the treasury, he shall cause an order or warrant to be issued directing the treasurer to pay the same, but without any interest or costs to the person so entitled to it, which warrant or order shall be sealed with the seal of the said court of chancery, and be signed by the chancellor, and countersigned by the register of the said court, and shall be a sufficient voucher for the payment of the money therein directed to be paid.

Seizure
and sale of
real estate
of deceased
person
leaving no
heir or
devisee.

And be it further enacted by the authority aforesaid, That whenever the attorney general of this State shall be informed, or have reason to suspect that any person has died seized of any real estate within this State without making any devise thereof and leaving no heir capable of inheriting the same, it shall be lawful for him and he is hereby required to cause a writ to be issued out of the court of chancery, and directed to the sheriff of the county in which the same real estate shall be situated in the form following "The people, to the sheriff of greeting: Because we are informed that A. B. died seized of divers lands tenements and hereditaments in your county, without making any devise thereof and leaving no heir capable of inheriting the same; we command you that by the oath of twelve good and lawful men of your bailiwick you diligently enquire what lands tenements and hereditaments the said A. B. was seized of at the time of his death, of any and what estate of inheritance and when he died and whether he made any and what devise thereof and whether he left any heir, and if he did, who is his heir, and what is the clear yearly value of such lands tenements and hereditaments, above reprises; and the inquisition which you shall take thereof, do you send under your seal, and the seals of of those by whose oath you take the same inquisition before us in our chancery without delay, wheresoever the said court shall then be, together with this writ." And upon the return of the inquisition thereupon taken any person aggrieved thereby may traverse the same, and when any issue shall be joined thereupon, the record thereof shall be sent into the supreme court of judicature of this State, there to be tried and determined according to law; and if judgment shall be given thereupon for the people of this State, then a writ shall be issued out of the same supreme court to the sheriff of the same county commanding him to seize and take the lands tenements and hereditaments whereof the person named in such inquisition shall be found to have died seized as aforesaid, into the hands of the people of this State. But if no such

traverse shall be taken to such inquisition before the end of the next term after the return of the same inquisition, then such writ shall immediately thereafter be issued out of the court of chancery, commanding the sheriff to seize and take the same lands tenements and hereditaments into the hands of the people of the State of New York. And upon the return of such writs of seizure the attorney general shall cause the record and process to be exemplified under the seal of the court out of which the same writs of seizure issued and deposit such exemplification in the office of the secretary of this State. And the commissioners of the land office shall thereupon cause the said lands, tenements and hereditaments to be sold at public vendue by the surveyor general who shall give at least six weeks previous notice of the time and place of such sale by publishing the same in the newspaper printed by the printer to this State, and in one of the newspapers printed in the city of Albany. And the surveyor general shall upon such sale, give the purchaser a certificate containing the name of the purchaser and a description and the bounds of the lands tenements and hereditaments purchased, and the price to be paid for the same. And the purchaser shall thereupon and within thirty days thereafter, pay to the treasurer of this State the sum mentioned in such certificate, and the treasurer shall thereupon indorse a receipt for the same upon such certificate. And upon producing the same certificate and receipt to the commissioners of the land office, they shall cause letters patent to be issued to such purchaser for the lands tenements and hereditaments in the same certificate mentioned, which letters patent shall be in such form as the said commissioners shall direct, and shall grant and convey an estate of inheritance in the said lands tenements and hereditaments to such purchaser, and to his heirs and assigns forever. And upon the production of such letters patent to the sheriff, he shall deliver the possession of the said lands tenements and hereditaments to the purchaser thereof.

And be it further enacted by the authority aforesaid, That the like process and proceedings as in the next preceding clause, as near as the different circumstances of the cases will admit, shall be observed, had, and pursued in all cases of real estates forfeited or hereafter to be forfeited for treason or felony, or upon any outlawry for the same. And in all cases of forfeiture of personal estate for treason or felony, the attorney general of this State may sue for and recover the same for and in behalf of the people of this State and shall pay the amount thereof when recovered into the treasury of this State, and in cases where it shall be necessary the attorney general may cause a writ to be issued out of the court of chancery to the sheriff of any county, to enquire what goods and chattels any person convicted of treason or felony or outlawed for the same, had at the time of such conviction and to seize and safely keep the same, and return the inquisition into the court of exchequer, where any person aggrieved thereby may traverse the same. And if judgment shall be given upon such traverse, for the people of this State, or if such inquisition shall not be traversed before the end of the term in which it shall be returned, then a writ shall be issued out of the court of exchequer to the sheriff, commanding him to sell the said goods and chattels and to bring the monies arising from the sale thereof into the said court for the use of the people of this State. *Provided always,* that nothing in this act contained, nor any proceeding under the same, shall be construed to affect the legal right or title of any person or persons whomsoever, of, in, or to any lands or tenements to be sold and conveyed in pursuance of this act.

Proceedings in case of forfeiture or outlawry.

Sale not to affect rights of others.

Account to
be ren-
dered by
attorney-
general.

And be it further enacted by the authority aforesaid, That the attorney general shall keep an account of the expences incurred by him in the execution of this act, and shall yearly in the term of January in every year, produce the same to the judge of the court of exchequer, with an account of all the costs and sums of money received by him on account of prosecutions in virtue of this act, and the judge shall examine audit, and settle the said account, and if any ballance shall be found due thereon to the attorney general, the same shall be allowed and paid to them out of any monies then in the hands of the clerk of the said court of exchequer or in the hands of the said attorney general. And if neither of them have sufficient for that purpose, then the judge shall issue his warrant to the treasurer to pay the ballance to the said attorney general, which warrant shall be under the seal of the said court of exchequer, and be signed by the judge and countersigned by the clerk of the said court, and shall be a sufficient voucher to the treasurer, for the payment of the sum therein directed to be paid.

CHAP. 36.

AN ACT for the relief of Henry Livingston and others.

PASSED the 27th of March, 1792.

Appropriation to
Henry
Livingston
and others
for provisions
impressed.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That the treasurer of this State, shall pay to the following persons, the amount of their accounts, for the following articles impressed in the year one thousand seven hundred and eighty, by Henry I. Van Rensselaer and Egbert Dumond, under a warrant from his excellency the governor of this State, in pursuance of an act, entitled "An act authorizing the person administering the government of this State, to grant warrants of impress," passed the 23d day of June 1780, that is to say, to Henry Livingston, as an executor of Robert Livingston Esquire, deceased, for four hundred and seventy eight bushels of wheat, twelve bushels of Indian corn and three bushels of oats; and to Henry Platner, for four hundred and ninety five bushels of wheat, and twelve barrels of flour; and to Jonas Miller, for twenty two bushels of wheat; and to Peter Pulver for fifteen bushels of wheat; and to William Lynk, for sixteen bushels of wheat and four bushels of rye; and to Philip Clum, for fifteen bushels of wheat; and to Bastian Lasher, for two bushels of rye; and to Charles Fritz, for two bushels of wheat; and to Coenraed Berenger, for twenty bushels of wheat; and to Zachariah Volant, for three bushels of Indian corn, and four bushels of rye; and to Philip Dansbagh, for twenty bushels of wheat; and to Jacob Ender-son for nine bushels of wheat; and to Dirck Jansen, for forty bushels of wheat; and to William Beckers, for thirty five bushels of wheat, six bushels of Indian corn, six bushels of rye and six bushels of oats; and to Coenraedt Lasher, for twenty bushels and three quarters of a bushel of wheat; and to Frederick Rowe for one hundred bushels of wheat; and to Zophar Weeks, for twenty bushels of wheat; and to Hendrick Bartle, for twenty five bushels of wheat; and to Arie Delong, for sixteen bushels of wheat; and to Isaac Quackenboss, for two barrels of flour; and to Jacob Ford, for two tierces of flour; and to Abraham I. Van Alstyne, for fourteen bushels of wheat; and to Abraham Van Alstyne, for fifty bushels of wheat; and to Tobias R. Van Deussen, for two bar-

rels of flour; and shall allow for each barrel of flour, forty shillings, and for each bushel of wheat, eight shillings, and for each bushel of rye, four shillings, and for each bushel of Indian corn, four shillings, and for each bushel of oats, two shillings, with interest for the same, at the rate of five per cent, from the time of the delivery thereof.

CHAP. 37.

AN ACT to regulate the practice of physic and surgery, within the city and county of New York.

PASSED the 27th of March, 1792.

WHEREAS many ignorant and unskilful persons presume to administer physic, and practice surgery within the city and county of New York, to the detriment and hazard of the lives and limbs of the citizens thereof; for the prevention of such abuses in future; Preamble.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That from and after the passing of this act, no person whatsoever, shall administer physic or practice surgery within the city and county of New York, before he shall have attended the practice of some reputable physician in the State of New York, or elsewhere, for a term not less than two years, if he shall have been graduated in some college in the United States, nor less than three years, if he has not been so graduated; nor before he shall have been first examined, approved of, and admitted by the governor, chancellor, judges of the supreme court, attorney general, the mayor and recorder of the said city, or any two of them; they taking to their assistance for such examination, any three respectable practitioners of physic and surgery, with whom the person or persons to be examined have not lived to acquire medical information; who after due examination and satisfactory proofs being given of such candidates knowledge in the several necessary branches of medicine, shall certify under their hands and seals, that the person so examined is approved of, and ought to be admitted to practice in the said faculty, and shall give a testimonial or certificate of his examination and admission, in the form following, vizt.

To all to whom these presents shall come, or may concern, know ye, That in pursuance of an act of the legislature of this State, passed the day of in the year entitled An act to regulate the practice of physic and surgery, within the city and county of New York," we have duly examined in respect to his knowledge of medicine, and having found him well qualified for the practice of this art, we do hereby admit him to practice in the said faculty in this city and county. In testimony whereof we have hereunto set our hands and seals, the day of in the year

And be it further enacted, That if any person shall practice physic or surgery within the city and county of New York, without such testimonial as aforesaid, he shall not be entitled to any legal demand for his medicine and services; and shall forfeit and pay for every such offence, the sum of seven pounds; one half thereof to the use of any person or persons who will first sue for the same, and the other half to the use of the poor of the said city and county, to be recovered by action of debt in any court where sums of this amount are cognizable, with costs of suit; and if he shall commence any suit for recovery of damages, in

Person not
regularly
licensed
prohibited
from prac-
ticing med-
icine in
New York
city.

Certificate
of license.

Penalty for
violation
of act.

consequence of his said services, or for the administering of medicine, it shall be lawful for the defendant in any such suit, to plead the general issue, and give this act and the special matter in evidence.

Provido as to persons previously practicing.

Provided always, That this act shall not be construed to extend to any person or persons practising physic and surgery within the said city and county, previous to the passing of the same.

Provido as to sudden emergencies.

And provided always, That where any person not qualified by law, shall administer medical aid, in any sudden emergency, without demanding or receiving any thing for the said service, that in such case the said person shall not be liable to the penalty hereby inflicted.

Provido as to physician residing out of county.

Provided also, That nothing herein contained, shall be construed to prevent any physician or surgeon resident in any neighbouring county or State, being called into consultation, or practising on any particular occasion, when so called upon.

Provido as to medical graduates.

And provided also, That nothing herein contained, shall be construed to affect any person or persons, who may have, or shall obtain a degree of doctor of medicine, in any college or university of any of the United States, having authority to confer the same.

Malpractice by physician formerly practicing to work forfeiture of right to practice.

And be it further enacted, In case of the malpractice of any practitioner in physic or surgery, who has never legally obtained the aforesaid testimonial; and in case of complaint made of the same, in a written memorial addressed to the mayor or recorder of the said city, and signed by three reputable physicians, that then the said magistrate to whom such complaint shall be preferred, and after due inquiry, if he deem it expedient, notify the said practitioner of the said complaint; after which notification, he the said practitioner complained of, shall remain with respect to his after practice, exposed to all the penalties of this act; until he shall obtain a legal testimonial of his medical capacity, of the same kind, and in the same manner, as is described in the first section of this act.

CHAP. 38.

AN ACT for the relief of John Ten Broeck.

PASSED the 27th of March, 1792.

Preamble.

WHEREAS John Ten Broeck, late sheriff of the county of Albany, hath by his petition to the legislature, prayed for further time to present his accounts (while in the execution of his office) for settlement. And whereas it appears advisable to grant relief in the premises.

John Ten Broeck, suit against discontinued.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer of this State, shall and may discontinue any suit or suits by him commenced against the said John Ten Broeck, late sheriff of the county of Albany, pursuant to the thirty second section of the act entitled "An act to compel the payment of the arrears of taxes, for enforcing the payment of fines and amerciaments, obliging sheriffs to give security for the due execution of their offices, and for other purposes" passed the twenty sixth day of November, in the year of our Lord one thousand seven hundred and eighty four, upon his exhibiting and filing on oath, according to the best of his knowledge and belief, such account and list as is directed by the said act, and paying the amount thereof liquidated by the auditor, together with the costs of such suit or suits, to the said treasurer, on or before the first day of February next.

And be it further enacted, That it shall and may be lawful for the court of exchequer, at any time before the end of January term next, to examine audit and settle the accounts of the said John Ten Broeck in the same manner, as if he had presented his accounts in due time.

Court of
exchequer
may audit
accounts.

CHAP. 39.

AN ACT for the relief of Elnathan Fitch and Jonathan Fitch.

PASSED the 30th of March, 1792.

WHEREAS Elnathan Fitch hath obtained a patent under the great seal of this State, dated the eleventh day of July 1790, for nine hundred and fifty acres of land on the north bounds of the great Hardenbergh patent which lands were located by him, and by a certificate from the surveyor general now appear to interfere with prior appropriations. Therefore

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if the said Elnathan Fitch shall surrender the said patent by delivering the same to the secretary of the State, and by a deed duly executed by him, do convey to the people of this State, all his right, title and interest, of in or to the said nine hundred and fifty acres of land, as described in the said patent, then and at any time thereafter, it shall and may be lawful for the surveyor general to accept a location by the said Elnathan Fitch for nine hundred and fifty acres of land, on any unappropriated lands on which he might have made a location before the first day of January last past, in pursuance of the act entitled "An act for the sale and disposition of lands belonging to the people of this State and for other purposes therein mentioned," he the said Elnathan Fitch first producing to the surveyor general a certificate from the secretary, that he had delivered the said patent to him and conveyed the premises therein mentioned to the people of this State, by his deed duly executed acknowledged and recorded in his office.

Elnathan
Fitch may
locate nine
hundred
and fifty
acres.

And be it further enacted by the authority aforesaid, That it shall be lawful for the said Elnathan Fitch, to obtain a patent for the said nine hundred and fifty acres of land so to be located by him as aforesaid, any law to the contrary notwithstanding.

Patent to
be granted.

And whereas, Jonathan Fitch by his memorial to the legislature, hath represented, that he located eight hundred acres of land by virtue of class rights pursuant to the law above mentioned, which land was granted to other persons. Therefore

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the surveyor general, to accept a location of the said Jonathan Fitch for eight hundred acres of land, on any unappropriated lands on which he might have made a location prior to the first day of January last past, in pursuance of the law before mentioned: And it shall be lawful for the said Jonathan Fitch to obtain a patent for the said eight hundred acres of land, to be located by him as aforesaid, any law to the contrary notwithstanding.

Jonathan
Fitch may
locate
eight hun-
dred acres.

CHAP. 40.

AN ACT for establishing and opening lock navigations within this State.

PASSED the 30th of March. 1792.

Preamble.

WHEREAS a communication by water, between the southern northern and western parts of this State will encourage agriculture promote commerce, and facilitate a general intercourse between the citizens. Therefore

Western
and North-
ern Inland
Lock Navi-
gation
Companies,
subscrip-
tions to
stock.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That there shall be established two companies of stockholders: one for the purpose of opening a lock navigation from the now navigable part of Hudsons river, to be extended to lake Ontario and to the Seneca lake, and to be called and known by the name of "The president, directors and company, of the western inland lock navigation in the State of New York." And one other company for the like purpose, from the now navigable part of Hudsons river to lake Champlain, and to be called and known by the name of "The president, directors and company, of the northern inland lock navigation in the State of New York." That the capital stock of the said western inland lock navigation shall consist of one thousand shares, and the capital stock of the said northern company shall consist of one thousand shares. And that subscriptions for shares, in the said companies respectively, shall be taken in manner following, to wit, Samuel Jones, David Gelston, Comfort Sands, Melancton Smith and Nicholas Hoffman or any three of them shall be a board of commissioners for taking subscriptions in the city of New York; and Abraham Ten Broeck, John Tayler, Philip S. Van Rensselaer, Cornelius Glen and John Ten Broeck, or any three of them shall be a board of commissioners for the like purpose in the city of Albany. And each board shall provide two books, one for the western and one for the northern navigation and shall enter in each book as follows, "We whose names are hereunto subscribed, do for ourselves and for our legal representatives, promise to pay to the president directors and company of the inland lock navigation in the State of New York, established and incorporated by the act entitled "An act for establishing and opening lock navigations within this State" such sums of money for each share (which we or our legal representative shall from time to time hold in the said corporation) and in such proportions as and at such time and times as the president and directors aforesaid shall direct and require, in addition to the sums which shall have been retained in the hands of the commissioners appointed by the said act." And the said boards of commissioners respectively, shall open the books for the taking in subscriptions for the purpose aforesaid, on the first Tuesday of May next, and shall take the subscriptions of every person who shall offer to become a subscriber from day to day (Sundays excepted) until the last Tuesday of the said month, and the commissioners first above named, shall at least ten days previous to the first Tuesday of May, give notice of the day on which the subscription books shall be opened, and of the day inclusive on which they will close, in the newspaper printed by the printer to this State; and the other commissioners shall give the like notice in at least one of the newspapers printed in the city of Albany, and another at Lansingburgh in the county of Rensselaer.

Provided always, that every subscriber, shall at the time of subscribing, pay unto the commissioners with whom he or she shall subscribe, the sum of twenty five dollars in gold or silver bills or credit of this State or notes issued by the bank of the United States, or the bank of New York, for each share by him or her subscribed; and if any subscriber shall at the time of subscription, pay for more shares than shall eventually be certified by the said commissioners, then, and in every such case, the commissioners shall retain no more of the subscription money in their hands, than will amount to the shares so certified at the rate of twenty five dollars for each share, and return the overplus to the subscriber entitled thereto; *and provided further*, that within the period above mentioned no person or body politic or corporate shall subscribe more than ten shares. And the commissioners by this act appointed in the city of Albany, or any three of them shall on the day next after the last Tuesday of May, or as soon thereafter as may be, certify under their hands and seals, to the commissioners appointed in the city of New York, a true list of the subscribers in their book, with the true number of shares subscribed by each, and if it shall appear to the commissioners, appointed in the city of New York, or to any three of them, that one thousand shares have not been subscribed to each company, they shall by advertisement, to be published in the newspaper of the printer to this State, give notice, that on a day certain, which day shall not be less than eight days from the first publication of such notice, their books will again be opened, and that they will continue to receive subscriptions from day to day for the space of four days, or until one thousand shares in the whole have been subscribed, and on such last subscription, any person or body politic or corporate may subscribe any number of shares at pleasure, not exceeding the deficiency, and if at the end of the said four days, one thousand shares shall not be so subscribed, then the books shall be closed, and it shall and may be lawful for each of the said companies after they shall have become incorporated in manner herein prescribed, to take in subscriptions for the deficient shares or not, as to the stockholders of each of the said corporations shall seem proper; but if it should appear to the said commissioners first herein mentioned, that on the said last Tuesday of May the aggregate of all the shares subscribed, exceed one thousand, the excess shall be deducted from the respective subscribers to each company, in the manner following, to wit,

Payments
to be made
at time of
subscribing

Second
opening of
subscription
books.

Proceed-
ings in case
more than
one thou-
sand shares
subscribed.

Ist. If the whole number of subscribers amount to one thousand, whatever may be the number of shares subscribed, each subscriber shall be entitled to one share.

IId. If the whole number of subscribers exceed one thousand, it shall be determined by lot by the said commissioners which of the subscribers shall be entitled to a share, and which not.

IIId. If the number of subscribers are less than one thousand and the number of shares by them subscribed exceed one thousand, then those who have only subscribed one share, shall be entitled to such share, and the remaining subscribers shall be classed into nine classes, one class to consist of all those who have subscribed two shares; one class of those who have subscribed three shares; one class of those who have subscribed four shares; one class of those who have subscribed five shares; one class of those who have subscribed six shares; one class of those who have subscribed seven shares; one class of those who have subscribed eight shares; one class of those who have subscribed nine shares, and one class of those who have subscribed ten shares; after which the shares to be deducted from each class, shall be deter-

Certificate
to be filed.

mined by the following rule, to wit. As the aggregate of all the shares subscribed by the nine classes is to the excess above one thousand, so is the aggregate of the shares subscribed by any class, to the shares to be deducted from that class: The aggregate deduction to be made from each class being thus determined, if such aggregate is less than one share for each subscriber, it shall be determined by lot which of the subscribers shall hold two shares, if such aggregate is more than one share to each subscriber, it shall be determined by lot, which of the subscribers shall hold one share, and the like rule shall be applied to the deduction in each of the other eight classes. And the said commissioners appointed in the city of New York, shall then make out full and perfect lists of all the subscribers to the stock of each company respectively, with the number of shares to which each subscriber is entitled, and having acknowledged the same before the chancellor, or one of the judges of the supreme court, they shall deliver the same to the person administering the government of this State for the time being, and if it shall appear to him that five hundred shares are subscribed to the company, to be known by the name of the president, directors and company of the western inland lock navigation in the State of New York, he shall direct the list to be filed and entered of record in the secretarys office of this State. And if it shall appear to him, that five hundred shares are subscribed to the company, to be known by the name of The president directors and company of the northern inland lock navigation in the State of New York, he shall give like directions to the said secretary relative to the list thereof.

Incorporation of
companies;
corporate
powers.

And be it further enacted by the authority aforesaid, That immediately from and after the filing and recording in manner aforesaid the list of subscribers to the western company, the persons therein named as subscribers, whilst they continue stockholders therein, and all others who shall become stockholders therein, shall be and are hereby created and made a corporation and body politic in fact and in name, by the name and stile of "the president directors and company of the western inland lock navigation in the State of New York," and that by that name, they and their successors forever, shall and may have perpetual succession; and that immediately from and after the filing and recording in manner aforesaid the list of subscribers to the northern company, the persons therein named as subscribers, whilst they shall continue stockholders therein, and all others who shall become stockholders therein, shall be and are hereby created and made a corporation and body politic in fact and in name, by the name and stile of the president, directors and company of the northern inland lock navigation in the State of New York," and that by that name they and their successors forever shall and may have perpetual succession. And by those names shall be, and hereby are respectively made, persons able and capable in law, to have, purchase, receive, possess, enjoy and retain to them and to their respective successors lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature, or quality soever, to the amount of three hundred thousand dollars each, and the increase and profits thereof and of enlarging the same from time to time by additional payments of the stockholders in such companies respectively, and in such manner and form as they shall think proper, if such additional payments shall be found necessary to fulfil the end and intent of the incorporations hereby created and made, and herein are particularly specified and directed, and to no other use, intent and purpose whatsoever, and the same estate or estates, or any part thereof to sell, grant, demise, alien or dispose of; to sue and be sued, plead and be impleaded, answer and be answered

unto, defend and be defended in courts of record or any other place whatsoever, and also to make have and use a common seal, and the same to break alter or renew at their pleasure; and also to ordain establish and put in execution such bye-laws ordinances, and regulations as shall seem necessary and convenient for the government of the said corporations respectively not being contrary to the law of this State or to the constitution thereof, and generally to do and execute all and singular acts, matters and things, which to them it shall or may appertain to do; subject nevertheless to the rules regulations restrictions, limitations, and provisions herein prescribed and declared.

And be it further enacted by the authority aforesaid, That for the well ordering of the affairs of the said corporations respectively, there shall be thirteen directors for each corporation, of whom there shall be an election after the present year on the first Monday of May in every year by the stockholders and proprietors of the capital stock of each of the said corporations, and by a plurality of votes actually given by such stockholders in person, or by their legal proxies; and those who shall be duly chosen at any election shall be capable of serving as directors by virtue of such choice, until the end or expiration of the first Monday of May next ensuing the time of such election, and until others are duly elected in their places, and the said directors, at their first meeting after each election shall choose one of their number as president. *Provided always,* that out of the following persons in this proviso named, thirteen, and in the order in which they are named, if so many of them shall appear to be stockholders from the record of the certificate herein before mentioned, shall be and hereby are appointed the first directors of the corporation by virtue of this act to be instituted by the name of "The President, Directors and Company of the Western Inland Lock Navigation in the State of New York," that is to say, Philip Schuyler, Leonard Gansevoort, Jeremiah Van Rensselaer, Elkanah Watson, John Taylor, Jellis A. Fonda, William North, Goldsbrow Banyar, Daniel Hale, John Watts, Walter Livingston, Dominic Lynch, James Watson, Matthew Clarkson, Ezra L'Hommedieu, Melancton Smith, David Gels-ton, Stephen Lush, Cornelius Glen, Silas Talbot, John Frey, Douw Fonda, John Sanders, Nicholas I. Roosevelt, Daniel McCormick, Marinus Willet, Jonathan Lawrance, Philip Van Cortlandt & James Clinton.

Directors,
election of.

Selection
of first
directors.

Western
company,
directors of

And that out of the following persons in this proviso named, thirteen, and in the order in which they are named, if so many of them shall appear to be stockholders from the record of the certificate herein before mentioned, shall be, and hereby are appointed the first directors of the corporation by virtue of this act to be instituted by the name of "The President Directors, and Company of the Northern Inland Lock Navigation in the State of New York" that is to say, Philip Schuyler, Abraham Ten Broeck, John Williams, Steven Van Rensselaer, Jacobus Van Schoonhoven, John Van Rensselaer, Abraham G. Lansing, Cornelius Glen, Henry Quackenboss, Robert R. Livingston, Philip Livingston, James Duane, Alexander McComb, Samuel Jones, Nicholas Low, Dirck Lefferts, William Duer, Peter Van Ness, Barent Bleecker, Henry Livingston, Peter Ganesvoort, Peter B. Tearse, Alexander Webster, George Wray, Thomas Tillotson, Matthew Scott, Zephaniah Platt, John Thurman, Albert Pawling & Zina Hitchcock.

Northern
company,
directors of

And if there shall not be thirteen stockholders amongst the persons whose names are mentioned, and out of which directors are to be chosen in manner aforesaid for each of the said corporations respectively, then the deficiency in each shall be chosen in manner following, that is to say, the said commissioners first in this act abovementioned or any

Selection
of directors
in case
persons
named do
not become
stockhold-
ers.

three of them, shall immediately after the filing and recording the certificate herein before mentioned, appoint a time when, and a place where, an election shall be held for electing directors for each company, and shall give at least twenty days notice of such time and place by publishing in the newspaper printed in the city of New York by the printer to the State, and in at least one of the newspapers printed in the city of Albany or at Lansingburgh, at which time and place directors shall be chosen in manner above directed, and at which election the said commissioners in the city of New York or any three of them, shall preside, and a list of the directors of each corporation so chosen shall be by them the said commissioners published in the newspapers in manner aforesaid, and shall by the said commissioners be requested to meet on a day and at a place certain to be therein mentioned, and being so met, they shall choose one of their body, to be the president, and the directors and president so chosen shall continue in office until the end of the first Monday in May next ensuing such election, and until others are duly elected in their places. *Provided always*, that in case it should at any time happen, that an election of directors should not be made upon any day when pursuant to this act it ought to have been made, neither of the said corporations shall for that cause be deemed to be dissolved, but it shall be lawful on any other day to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporations respectively. *And provided also*, that in case of the death, resignation, absence from the State, or removal of a director by the stockholders, his place may be filled up by a new choice for the remainder of the year by election at a special meeting to be held for that purpose.

Special
meetings
of stock-
holders.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the presidents and directors of the said incorporations respectively, to convene special meetings of the stockholders, whenever such meeting shall appear necessary, giving at least fifteen days notice thereof in the newspapers in manner herein before directed.

Appoint-
ment of
officers and
agents.

And be it further enacted by the authority aforesaid, That the directors for the time being of each of the said corporations respectively shall have power to appoint such officers, agents, clerks, superintendents, engineers, workmen and others under them as shall be necessary for executing the business of the said corporation, and to allow to them such compensation for their services respectively as the said directors shall deem reasonable and proper, and shall be capable of exercising such other powers and authorities for the well governing and ordering of the affairs of the said corporation, as shall be described fixed and determined by the laws regulations and ordinances of the same, not contrary to, or inconsistent with the constitution and laws of this State.

Votes to
which
stockhold-
ers entitled

And be it further enacted by the authority aforesaid, That the following rules, restrictions limitations and provisions shall form and be fundamental articles of each of the said corporations viz. *First*. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold in the proportions following, that is to say, for one share and not more than two shares, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares above thirty and not exceeding sixty, one vote; for every eight shares above sixty and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote. But no person, copartnership, or body politic shall be entitled to a greater number than thirty votes, and after the first election, no share or shares shall confer

a right of suffrage, which shall not have been holden three calendar months previous to the day of election: Stockholders actually resident in this or any of the United States and none others may be directors. *Second.* Not more than three fourths of the directors in office, exclusive of the president, shall be eligible for the next succeeding year; but the director who shall be president at the time of an election may always be reelected. *Third.* No director shall be entitled to any emolument, unless the same shall have been, or shall be allowed by the stockholders, at a general meeting the stockholders shall make such compensation to the president for any extraordinary attendance as shall appear to them reasonable. *Fourth.* Not less than seven directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other director whom he by writing under his hand shall nominate for the purpose. *Fifth.* Any number of stockholders not less than sixty who together shall be proprietors of two hundred shares or upwards shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twelve weeks notice in at least one newspaper printed in the city of New York, and in at least one newspaper printed in the city of Albany and in the town of Troy in Rensselaer county and specifying in such notices the object or objects of such meeting. *Sixth.* Every treasurer before he enters upon the the duties of his office shall give bond with two or more sureties to the satisfaction of the directors, and in such sum as the directors shall think proper. *Seventh.* The lands tenements and hereditaments which it shall be lawful for the said corporations respectively to hold, shall be only such as shall be requisite for the immediate purpose for which those corporations have been created and made, and such other as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. *Eighth.* No bank shall be established by either of the said corporations, nor shall either of them enter into any money negotiations, other than such as shall be immediately incident to the purposes for which the said corporations have been instituted, nor shall either of the said corporations be stockholders in any bank whatsoever, nor shall they or either of them deal in or hold any stock of funded or other debt, of the United States or of this State or any other State whatsoever. *Ninth.* The stock of the said corporations respectively shall be assignable and transferable according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same. *Tenth.* All bills or notes which may be given by either of the said corporations or their directors signed by the president and countersigned by the treasurer or principal clerk, promising the payment of money to any person or persons his her or their order, or to bearer, though not under the seal of the corporation issuing the same, shall be binding and obligatory upon the same, in like manner, and with the like force and effect as upon any private person or persons, if issued by him her or them in his her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons, that is to say, those which shall be payable to any person or persons his, her or their order, shall be assignable by indorsement in like manner and with the like effect as promissory notes now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only. *Provided always,* that

Eligibility of directors

Emoluments of directors.

Quorum of directors.

General meetings called by stockholders.

Bond of treasurer.

Real property limited.

Money negotiations restricted.

Stock, transfer of.

Notes of the corporations.

Dividends
to be de-
clared

no such bills or notes shall be issued, which shall not specify the particular service or article for which they were paid, *and provided also*, That the article or services for which they are issued, were articles used, or to be used for the purposes of the institution, or services performed therefor. *Eleventh.* Half yearly dividends shall be made by each of the said corporations of all the neat annual income thereof amongst the stockholders in proportion to their respective shares, and no transfer of any share shall be made in any other manner than shall be directed by the president and directors of such company respectively.

Condem-
nation of
lands;
damages.

And be it further enacted by the authority aforesaid, That each of the said corporations, by the president and directors, or by any agent, superintendent, engineer or other person employed in the service of such corporation may enter into and upon all and singular the land, and lands covered with water where they shall deem it proper to carry the canals and navigation herein before particularly assigned to each of the said corporations, and to lay out and survey such routs and tracts as shall be most practicable for effecting navigable canals as aforesaid by means of locks and other devices, doing nevertheless as little damage as possible to the grounds and inclosures in and over which they shall pass, and thereupon it shall and may be lawful to and for the said president and directors respectively, to contract and agree with the owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of making, digging and perfecting the said canals, and for erecting and establishing all the necessary locks, works and devices, to such navigation belonging, if they can agree with such owners, but in case of disagreement, or in case the owner thereof, shall be feme covert, under age, non compos mentis, or out of the State, then it shall and may be lawful to and for the said president and directors to apply to the chancellor of this State, who upon such application is hereby authorised and empowered, enjoined and required to frame and issue one or more writ or writs as occasion shall require, in the nature of a writ of ad quod damnum, to be directed to the sherif of the county in which such lands and tenements shall be, commanding him, that by the oaths of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall enquire, whether the person or persons owning any lands and tenements necessary to be used by the said president and directors, or which shall be injured in establishing the said canals and navigation, which person or persons shall be named, and which lands and tenements shall be described in such writ or writs which will suffer and sustain any, and what damages by reason or means of taking any lands, tenements, mill, millpond, water, water-course, or other real hereditaments necessary for the use of the said canals and navigation and the works and locks thereto belonging, and to return the same writ, together with the finding of the said jury, to the court of chancery of this State without delay after such finding; and upon such writ being delivered to the said sherif, he shall give at least fourteen days notice in writing to all and every of the owners and occupants of the premises who shall be within his bailiwick, and shall also affix a copy of such notice on the door of the court house or gaol within his bailiwick, and if there is no court house or gaol, then on the door of some noted tavern within the same, of the lands and tenements in the said writ described, of the time of executing the same, and shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick who shall be selected in such manner as struck juries usually are, to whom he shall administer an oath, that

they will diligently enquire concerning the matters and things in the said writ specified and a true verdict give according to the best of their skill and judgment without favour or partiality, and thereupon the said sheriff and inquest, shall proceed to view all and every the lands and tenements in such writ specified, and having considered the quantity of land, land covered with water, mills, buildings or other improvements that shall be necessary to be vested in the said corporations for the purposes aforesaid, and any watercourse then existing, the use whereof will be necessary for the purpose aforesaid, they shall cause the same to be minutely and exactly described by meets and bounds, or other particular descriptions, and shall value and appraise the injury or damages, if any, which the owner or owners of the said lands, tenements, mills, water, watercourses, buildings or improvements, will according to their best skill and judgment, sustain and suffer by means of so much of the said lands and tenements being vested in the said corporations, or by means of such improvements being destroyed, or rendered useless or of less value, or by means of the said corporations being permitted to turn such water to fill their canals and locks, or by means of the said corporations being permitted to enlarge any millpond, millrace, or other watercourse, and to use the same as and for part of their said canals and navigation, or by any other means whatsoever, defining and ascertaining as well all such lands and tenements, liberties and privileges so to be vested in either of the said corporations the several sums at which the said injuries and damages shall be so assessed: And the said sheriff and jury shall make an inquisition, under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall forthwith return the same together with the said writ to the said court of chancery, and thereupon the chancellor shall examine the same, and if the said writ shall appear to have been duly executed, and the return thereof be sufficiently certain to ascertain the lands and tenements, rights liberties and privileges intended to be vested in the said corporations, and the several compensations awarded to the owners thereof, then the said court shall enter judgment that the said corporation paying to the several owners as aforesaid the several sums of money in the said inquisition assessed, or bringing the same into the said court, over and besides the costs of such writs and of executing and returning the same, shall be entitled to have and to hold to them, and their successors and assigns for ever, all and every the lands, tenements, rights liberties and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof. And if any of the returns so to be made shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo.

And be it further enacted by the authority aforesaid, That whenever any or either of the said canals shall cross any public or private road or highway, laid out and established according to law, or shall divide the grounds of any person, so as to require a ford or bridge to cross the same, the jury, who shall enquire of the damages to be sustained in manner herein directed, shall find and ascertain whether a passage across the same shall be admitted and maintained by a ford or by a bridge, and on such finding, the president and directors of the corporation to whom such canal shall belong, shall cause a ford to be rendered passable, or a bridge fit for the passage of carts and waggons, to be built and forever thereafter maintained and kept in repair, at all and every of the places so ascertained by the said jury, at the cost and charges of such corporation; but nothing herein contained shall pre-

Fords and bridges, jury to determine where required.

vent any person from erecting and keeping in repair any ford or bridge across either of the said canals at his own expence, where the same shall pass his ground; *provided* such bridge shall be of such height above the water as shall be usual in the bridges erected by the corporations to whom such canals belong; *and provided also*, that such ford or bridges, so to be erected by the owners of such land, shall not interfere with any of the locks buildings or other works of the said corporation.

Assess-
ments on
stock,
how made;
forfeiture
for non-
payment.

And be it further enacted by the authority aforesaid, That the president and directors of each of the said corporations, shall have power and authority from time to time, to fix the several sums of money which shall be paid by the subscribers, or holders of every share of the stock of the said corporations respectively, in part of the sum subscribed, and the time when each and every of the devidends, or parts thereof shall be paid, and the place where they shall be received, and shall give at least thirty days notice in two of the public news papers, one of which notices to be published in the city of New York in the news paper printed by the printer to this State, and the other in the city of Albany of the sum or dividend, and the time and place of receiving the same; and if any stockholder shall neglect to pay such proportions at the place or places aforesaid for the space of thirty days after the time so appointed for paying the same, every such stockholder shall in addition to the dividend so called for, pay after the rate of seven per cent, for every months delay of such payment, and if the same and the additional per centage shall not be paid within one year after the same ought to have been paid, then and in such case the share or shares on which such payment shall be due, shall be forfeited to the use of the stockholders of the corporation of which such defaulting stockholder is a member, and may and shall be sold by the said corporation to any person or persons willing to purchase, for such prices as can be obtained therefor.

Entry on
lands of
others by
workmen
of corpora-
tions; pay-
ment of
actual
damages.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for the president and directors of each of the said corporations respectively, and their superintendants, engineers, artists, workmen, and labourers, with carts, waggons, and other carriages, with their beasts of draft and burthen and all necessary tools and implements, to enter upon the lands contiguous or near to the tracts of the intended canals and navigation, first giving notice of their intentions to the owners thereof and doing as little damage thereto as possible, and repairing any breaches they may make in the inclosures thereof, and making amends for any damages that may be sustained by the owners of such ground by appraisement in manner herein after directed, and upon a reasonable agreement with the owners, if they can agree, or if they cannot agree then upon an appraisement to be made upon the oath of three, or if, they disagree, any two indifferent freeholders to be mutually chosen, or if the owners neglect or refuse to join in the choice, to be appointed by any justice of the peace of the county, and on tender of the appraised value, to carry away any timber, stone gravel sand or earth there being most conveniently situate for making or repairing the said canals and navigation, and to use the same in carrying on the said works.

Toll col-
lectors,
appoint-
ment of.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said president and directors of each of the said corporations as soon as the said canals and navigation, or any part of either of them shall be perfected, to appoint such and so many collectors of toll for the passage of boats and vessels in, through and along the same, and in such places as they shall think proper; and that

it shall and may be lawful to and for such toll collectors and their deputies, to demand and receive of and from the persons having the charge of all boats and vessels, and rafts of timber boards plank or scantling, passing through the said canals and navigation and the locks thereto belonging, such toll and rates for every ton weight of the ascertained burthen of the said boats and vessels, and for every hundred feet cubic measure of timber and one thousand feet board measure of boards plank or scantling in rafts, as the said president and directors of each corporation shall think proper at any lock or other convenient place. *Provided* that the amount of all the tolls accruing to the corporation hereby made and created by the name of The president directors and company of the western inland lock navigation in the State of New York, and arising from the use of the said navigation wherever the same may be between the navigable waters of Hudsons river and the Seneca lake and lake Ontario, shall not exceed in the whole the sum of twenty five dollars for every ton of the burthen of such boat or vessel, and so in proportion for every hundred feet cubic measure of timber, and one thousand feet board measure of boards plank or scantling, and so in proportion for any similar distance and less number of locks in any interval between the said river and lake:

Western
company.
rate of toll.

And also provided, that the amount of all the tolls accruing to the corporation hereby made and created by the name of The president directors and company of the northern inland lock navigation in the State of New York, and arising from the use of the said navigation wherever the same may be between the navigable waters of Hudsons river and lake Champlain, shall not exceed in the whole the sum of twenty dollars for every ton of the burthen of such boat or vessel, and so in proportion for every hundred feet cubic measure of timber, and one thousand feet board measure of boards plank or scantling, and so in proportion for any smaller distance and less number of locks in any interval between the town of Troy near the said river and the said lake. *Provided always* that all boats of a burthen less than a ton and using either of the said canals shall pay the toll for a ton. And in order to ascertain the tonnage of boats using the said canals and navigation, and to prevent disputes between the supercargoes and the collectors of tolls concerning the same.

Northern
company.
rate of toll.

And be it further enacted by the authority aforesaid, That upon the request of the owner or supercargoe of such boat or raft or of the collector of the said tolls at any lock upon either of the said canals and navigation, it shall and may by lawful for each of them to choose one person to measure and ascertain the number of tons which the said boat or vessel is capable of carrying, and to mark the same in figures upon the head and stern of the said boat, in colours mixed with oil, and that the said boat or vessel so measured and marked shall always be permitted to pass thro' the said canal and locks for which it shall be so marked, for the price per ton to which the number of tons so marked on her shall amount unto, agreeably to the rates fixed in the manner aforesaid, and if the owner or commander or supercargo of such boat or vessel shall decline choosing a person, resident within four miles of the place where such toll is payable, to ascertain the tonnage thereof then the amount of such tonnage shall be fixed and ascertained by a person to be appointed for that purpose by the collector of tolls at the lock where the toll is payable as aforesaid, and the said toll shall be paid according to such measurement before any such boat or vessel shall be permitted to pass the lock or place where such toll shall be made payable.

Tonnage of
boats, how
determined

Penalty for interfering with the navigation of the canal.

And be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall wilfully and knowingly do any act or thing whatsoever, whereby the said navigation or any lock, gate, engine, machine or device thereto belonging shall be injured or damaged, he or they so offending, shall forfeit and pay to the corporation (to which the injury is done) fourfold the costs and damages by them sustained by means of such known and wilful act, together with costs of suits in that behalf expended, to be recovered by action of debt, in any court having jurisdiction competent to the sum due.

Powers of collectors in enforcing payment of toll.

And be it further enacted by the authority aforesaid, That the collectors of toll, duly appointed and authorised by the president and directors of either of the said corporations, may stop and detain all boats and vessels using the canals and navigation to which they respectively belong until the owner or commander, or supercargo of the same shall pay the toll so as aforesaid fixed, or may distrain part of the cargo therein contained, sufficient, by the appraisement of two credible persons to satisfy the same, which distress shall be kept by the collector of the tolls, taking the same, for the space of eight days, and afterwards be sold by public vendue at the most public place in the neighbourhood, to the highest bidder, in the same manner and form as goods distrained for rent are by law sold, rendering the surplus on demand if any there be, after payment of the said toll, and the costs of distress and sale, to the owner or owners thereof.

Bonds may be required of officers and others

And be it further enacted by the authority aforesaid, That the president and directors of the said corporations respectively, may demand and require of and from their treasurers, and of and from all and every of the superintendants officers and other persons by them employed, bonds in sufficient penalties and with such sureties as they shall by their rules orders and regulations require for the faithful discharge of the several duties and trusts, to them, or any or either of them respectively committed.

Accounts to be rendered annually to stockholders.

And be it further enacted by the authority aforesaid, That the president and directors of each of the said corporations shall keep just and fair accounts of all monies received by them from the subscribers to the said undertaking for their subscription thereto, and all penalties for delay or nonpayment thereof, and of all monies by them expended, in the payment of the costs and charges of procuring and purchasing all estates rights and titles in the said corporations respectively to be vested in pursuance of this act or by any other means, and in paying their several officers by them to be appointed, and the wages of the different engineers artists workmen and labourers by them to be employed, and for the materials and work furnished and done in the prosecution of the works projected by the said corporations respectively, and each of them shall once at least every year submit such account to the general meeting of the stockholders, until the said canals and rivers therewith connected shall be rendered navigable, and until all the costs charges and expenses of effecting the same shall be fully paid and discharged, and the aggregate amount of such expenses shall be liquidated, and from and after the liquidation thereof if the one thousand shares abovementioned for each or either of the said corporations shall not be sufficient, it shall and may be lawful to and for the said president and directors of the said corporations respectively, at the general meeting of the stockholders held in pursuance of the preceding provisions, or called by the president and directors for the special purpose by public notice in two newspapers in manner aforesaid (which shall be given three months previous to the opening of the said subscriptions)

Increase of stock.

to encrease the number of shares to such extent as shall be deemed sufficient to accomplish the objects of this act, and to demand and receive such additional subscriptions from the former, or, in case of their neglect or refusal, from new subscribers, and upon such terms, and in such manner, as by the said general meeting or meetings shall be agreed upon, and the said president and directors of the said corporations respectively, shall also keep just and true accounts of all and every the monies received by their several and respective collectors of toll in and through the said canals and navigation, and shall make and declare a dividend of the clear profits and income (all contingent costs and charges being first deducted) among all the stockholders of the stock of the said several corporations, and shall on every the second Mondays in June and December in every year, publish in manner aforesaid the half yearly dividend to be made of the said clear profits to and amongst their stockholders respectively, and of the times and places when and where the same shall paid, and shall cause the same to be paid accordingly.

And be it further enacted by the authority aforesaid, That at the end of ten years after the said navigations respectively shall be compleated the corporations respectively shall render an abstract of the accounts to the legislature for the three last years of the said ten, and if it shall then appear that the clear profits and income will bear a dividend of any rate on the principal sum expended, exceeding ten and not exceeding twenty five per cent. each of the said companies shall continue the tolls on which such dividend has arisen for such a term of years as to produce to them respectively, an interest at the rate of ten per centum per annum, on the principal sum of their expenditures; such interest being computed on the several payments of the principal from the time and times they were respectively made until it shall be produced as abovesaid, after which the tolls shall be so reduced as to divide a clear profit not exceeding fifteen per cent, and if such dividend shall exceed fifteen per cent, the excess shall be paid into the treasury of this State; and from and after the time and times when the said companies respectively shall render an abstract of their accounts as aforesaid, they shall once at least in every three years render to the legislature an account of the tolls they may have collected, and the sums expended during during the years next preceding, so that the clear profits of the companies respectively may in any year be known to the legislature.

Account to be rendered to legislature at end of ten years; limitation of tolls.

And whereas any unnecessary delay in prosecuting the object for which the said corporations have been made and created will be detrimental to the community. Therefore

Be it further enacted by the authority aforesaid, That if the corporation hereby made and created by the name of the president directors and company of the western inland lock navigation in the State of New York shall not, within the term of five years, to be computed from the first day of January next compleat so much of the said navigation as is between the south bounds of the town of Schenectady, and the waters of Wood creek in such manner as that boats, drawing when loaded two feet of water, and of the length of forty feet and of the breadth of twenty feet may ascend and descend the Mohawks river, in every part of the said river between the town of Schenectady and the waters of Woodcreek, that then and in such case, this act, so far forth as relates to the said corporation shall cease & become null and void, and all the rights hereby vested in the said corporation shall revert to the people of this State, any thing herein contained to the contrary not-

Western company to complete their work between Schenectady and Wood creek in five years.

Whole
work to be
completed
in fifteen
years.

withstanding. And if within the term of fifteen years to be computed from the said first day of January next, the said navigation shall not be continued down the said Wood creek and extended to the lake Ontario and to the Seneca lake, to carry boats of the burden above-mentioned, then it shall be the duty of the attorney general of the State for the time being, ex officio to file an information in the supreme court of this State against the said corporation, and if upon the traverse it shall be found that the said corporation hath not extended the said navigation in manner aforesaid down the said Wood creek, and as far as to the Seneca lake and lake Ontario, and judgment shall be given in favour of the people of this State thenceforth the powers and rights vested in the said corporation so far forth as relates to the extension of the said navigation from the said Woodcreek to the said lakes shall cease, determine and be null and void, any thing in this act to the contrary hereof notwithstanding.

Northern
company,
time al-
lowed to
complete
their work.

And be it further enacted by the authority aforesaid, That if the corporation by this act made and created by the name of The president directors and company of the northern inland lock navigation in the State of New York shall not, within the term of fifteen years, to be computed from the first day of January next compleat the said navigation from a west line from the mouth of the creek on which the mill now in the possession of John Van Rensselaer stands in the town of Troy, to that part of the said town opposite to the north end of the house in the occupation of George Tibbets so that vessels drawing four feet of water may pass at low water when loaded, and shall not compleat the navigation of Hudsons river, from the point opposite to the said house in the occupation of the said George Tibbets to a point in Hudsons river where a canal from Wood creek or any branch thereof shall intersect the said river to carry boats of the burthen and dimensions specified in the last preceding section of this act, and shall not in like manner compleat such canal and the navigation from Hudson's river to lake Champlain that then and in either of the cases this act so far forth as relates to the said corporation last mentioned shall cease and become null and void and all the rights by this act vested in the said corporation shall revert to the people of this State any thing herein contained to the contrary hereof notwithstanding. *Provided always,* that it shall be first found by information, traverse and judgment in manner aforesaid, that the said navigation has not been so compleated. And for the encouragement of the said corporations respectively and to enable them to prosecute the objects for which they were respectively instituted with the greater dispatch and efficiency.

Subsidy
from State,
when to be
paid.

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of this State for the time being, and he is hereby required whenever it shall be certified unto him by the person administering the government of this State for the time being, that it has appeared to him by satisfactory proof that either of the said corporations hath actually expended and laid out in the prosecution of the said inland navigation the sum of twenty five thousand dollars to pay unto the president and directors of each of the corporations respectively (for the use of the stockholders thereof, as a free gift to them from the people of this State) in whose favour such certificate shall pass, the sum of twelve thousand five hundred dollars out of any monies which may come into the treasury after the first day of October next. *Provided always* that when such payment shall be made to the said corporations or either of them, they shall proceed in the objects of their institution until the said free gift shall be expended or laid out thereon

and in failure thereof the same shall be repaid into the treasury, any thing in this act to the contrary notwithstanding.

And be it further enacted, by the authority aforesaid, That as soon as the said companies shall respectively be incorporated as aforesaid, the said commissioners shall upon demand pay to the president and directors of each of the said corporations the several sums by them received on taking the said subscriptions to the said companies respectively and by them retained as aforesaid, for the use of the said corporations respectively, to which the same shall be subscribed, after deducting thereout such contingent charges as they shall have incurred in the execution of the trusts committed to them by this act,

Commissioners to account with officers of companies for moneys paid them.

CHAP. 41.

AN ACT for the relief of Abraham Lott.

PASSED the 3d of April, 1792.

WHEREAS a suit has been commenced in the supreme court of this State, on behalf of the people of this State, against Abraham Lott, in which suit judgment hath been obtained and execution thereupon issued. *And whereas* the said Abraham Lott has heretofore been imprisoned for a very considerable period of time, and is now reduced and become altogether unable to pay and discharge the same. Therefore,

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the attorney general of this State, to enter a satisfaction of the said judgment on record, upon the said Abraham Lott's paying the costs of the same suit, and paying into the treasury the poundage heretofore directed by law to be paid to Marinus Willett, Esquire, for his poundage fees on the said judgment.

Judgment against Abraham Lott to be satisfied.

CHAP. 42.

AN ACT for raising a further sum of money for compleating the gaol and erecting a new court house, in the city and county of Albany, and for other purposes therein mentioned.

PASSED the 3d of April, 1792.

WHEREAS the commissioners appointed by the act entitled "An act for building a gaol and repairing the court house, in the city and county of Albany," have, by their petition set forth, that one thousand five hundred pounds will be required to compleat the intention of that law; that the present court house is in an improper situation, and if power is granted for selling the same, the money thereby arising, together with such sum as would be necessary to repair it, will be sufficient to erect a new court house: Therefore,

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the supervisors of the city and county of Albany, and full power for that purpose is hereby granted to them, to sell and alien in fee simple, to any person

Supervisors of Albany empowered to sell court-

house and grounds and apply proceeds for a new building.

or persons whomsoever, at their discretion, the lot of ground situate in the city of Albany, in the county of Albany aforesaid, whereon the court house aforesaid is erected, with the ground thereto belonging, adjoining and appertaining, together with the buildings thereon, or any part or parts of the materials of the said buildings, and to apply the monies produced by such sale to the erecting of a new court house, at such place within the said city, as the commissioners aforesaid and the supervisors of the said county or a majority of them shall deem proper.

Tax levy for completing the jail.

And be it further enacted, That the supervisors of the city and county of Albany aforesaid, for the time being shall be, and they are hereby authorized and required to direct to be raised on the freeholders and inhabitants of the said city and county, the sum of one thousand five hundred pounds for completing the gaol in the said county, and the court house to be erected as aforesaid, with an additional sum of nine pence in the pound for collecting the same; which said sums shall be raised, levied and collected, at the same time, and in like manner, as the other necessary and contingent charges of the said city and county are levied and collected.

Time and manner of collecting tax.

And be it further enacted, That the one moiety of the said sum of one thousand five hundred pounds, shall be collected and paid into the treasury of the said city and county, on or before the first day of November, which will be in the year of our Lord, one thousand seven hundred and ninety two; and the other moiety, on or before the first day of November, which will be in the year of our Lord, one thousand seven hundred and ninety three; and the treasurer of the said city and county is hereby required and directed, out of the money aforesaid, to pay to the commissioners appointed by the act above recited, or their order, the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners for the time being, to account with the supervisors of the said city and county, for the monies to be by them received and expended for the purposes aforesaid, when thereunto required.

Fees of treasurer.

And be it further enacted, That it shall and may be lawful for the treasurer of the said city and county of Albany, to retain in his own hands, the sum of three pence in the pound for his trouble, in receiving and paying out the monies arising and directed to be raised by this act.

Court, where to be held after sale of court-house.

And be it further enacted, That if the court house aforesaid, shall be sold as before directed, the court of common pleas and general sessions of the peace, for the same county, and the mayors courts of the city of Albany, shall, after the term next following the said sale, be adjourned to and held at such place in the city of Albany aforesaid, as the judges and justices of the same courts, or a majority of them, shall determine, until the court house to be erected as aforesaid in the said city, shall be built and fit for the reception of the said courts, when the judges and justices of the same courts respectively, or a majority of them, shall adjourn the said courts, to be held in the court house to be erected as aforesaid.

CHAP. 43.

AN ACT to explain and amend an act entitled "An act for the partition of lands."

PASSED the 3d of April, 1792.

WHEREAS it is enacted in and by the sixth section of the act entitled *Preamble.*
 "An act for the partition of lands," passed the sixteenth day of March one thousand seven hundred and eighty five, that in case of a partition of any patents or tracts of lands, on which improvements have heretofore been made by any person or persons, by consent of any owner or owners, proprietor or proprietors of such patents or tracts of land, the person or persons, to whose share or shares such parcels of improved lands shall fall, upon a partition of such patents or tracts of land, shall, before he or they are permitted to the possession of the same, pay to the respective possessor or possessors thereof, the value of the improvements made thereon. *And whereas* doubts may arise, whether such possessor or possessors have had the consent of the owner or owners, proprietor or proprietors of such land so divided, to make such improvement. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the person or persons to whose share any such parcels of improved lands may fall, to apply to any judge of the court of common pleas of the county in which the said improved land or the major part thereof lie, which judge on such application is hereby authorized and required to issue a venire to the sherif of the said county commanding him to summon twelve men having the legal qualifications of jurors and not interested in the premises, to appear before the said judge on a certain day and at a certain place therein mentioned, of which time and place the said sherif shall notify both proprietor and possessor, at which time and place the said judge shall duly swear the jury, and shall in a summary way enquire of the truth of such consent, and it is hereby declared to be the duty of such judge and jury, to make an inquest of such their enquiry in writing under their hands and seals and deliver a copy thereof to each of the parties, which shall be conclusive and final between the said parties, and legal evidence in any court of judicature.

And whereas it is enacted in and by the said sixth section, that the commissioners shall at the request of the party or parties, to whom such parcel or parcels of improved lands shall appertain, issue their precept to the sherif of the county commanding him to summons twelve freeholders, to settle and ascertain the value of the improvements made by the consent of one or more of the said owner or owners of such patents or tracts of land so divided. And as difficulties may arise on the death or absence of one or more of the said commissioners. Therefore

Be it further enacted by the authority aforesaid, That any judge of the court of common pleas of the county in which the major part of the said improved land lies, not interested in the premises, shall and may, and are hereby required, to do, perform and execute all the duties and services which the said commissioners are in and by the said sixth section of the said act, authorized, empowered and required to do, for which services the said judge shall have and receive the sum of ten shillings; and the said sherif shall have and receive the sum of twelve

Inquest to determine consent of owner to improvements.

Judge of court of common pleas may issue precept to assess value of improvements.

shillings for his service. And the said jurors shall have and receive the sum of two shillings each, to be levied and paid as in and by the said act is directed.

And whereas difficulties may arise between the owner or owners proprietor or proprietors of patents or tracts of land so divided, and the possessor or possessors of such improved lands, who are not proprietors but settled thereon by consent of some proprietor, in determining what rent or compensation such owner or owners proprietor or proprietors shall have and recover, where there is no express agreement. For remedy whereof

Recovery
for use and
occupa-
tion;
amount to
be deduct-
ed from
value of
improve-
ments.

Be it further enacted by the authority aforesaid, That the owner or owners, proprietor or proprietors to whom any such improvements may be allotted, shall have and recover by an action on the case, of and from the possessor or possessors, who are not proprietor or proprietors a reasonable compensation for the use and occupation of the premises so held. And the said judge and jury authorized empowered and directed to ascertain and value the improvements as aforesaid, shall and may, and are hereby required in every such case to ascertain and value the use and occupation of the premises so held used and occupied, the amount of which they shall deduct from the amount of the said valued improvements,

CHAP. 44.

AN ACT to vest in the corporation of the Episcopal church in the town of Yonkers in the county of Westchester and State of New York the church and lands therein mentioned.

PASSED the 3d of April, 1792.

Preamble.

WHEREAS by an act entitled "An act further to amend an act entitled "an act for the speedy sale of the confiscated and forfeited estates within this State and for other purposes therein mentioned" passed the first day of May 1786, it was enacted, that it should be lawful for the commissioners of forfeitures for the southern district, to convey to the trustees of the episcopal church in the manor of Philipsburgh, the church or building situate near the mansion house late the residence of Frederick Philipse of the said manor, together with two acres of land adjoining to the said church, and also the parsonage or glebe, situate on the east side of Sawmill river in the said manor, and then in the occupation of the widow of Luke Babcock Clerk late deceased, containing about ninety seven acres, which was by the said Frederick Philipse heretofore appropriated for a parsonage or glebe. *And whereas* the said commissioners have not conveyed the said church, nor the two acres of land, nor the glebe to the said trustees. Therefore

Lands
granted to
Episcopal
church of
Yonkers.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the estate, right, title, interest claim and demand of the people of the State of New York in and to the said church and two acres of land, and in and to the said parsonage or glebe, shall be and hereby are granted to and vested in the corporation of the episcopal church in the town of Yonkers in the county of Westchester in the State of New York and their successors for ever, for the use of the said corporation.

CHAP. 45.

AN ACT for building a court house in Richmond county.

PASSED the 3d of April, 1792.

WHEREAS the supervisors of Richmond county have by their petition requested the legislature to enable them by law to raise a sum of money, to build a court house in the said county, therefore Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the several towns in the said county for the time being, or the major part of them, shall be, and are hereby authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding five hundred pounds for building a court house in the said county, with the additional sum of nine pence in the pound for collecting the same, which said sums shall be raised levied and collected, in like manner as the other necessary and contingent charges of the county are levied and collected. Richmond county supervisors to levy tax for court-house.

And be it further enacted That the supervisors of Richmond county, or the major part of them, shall meet at the dwelling house of Daniel Turner, in Richmond town in the same county, on the third Tuesday of April next for the purpose of directing such sum as they shall order to be raised for the purpose aforesaid together with the poundage for collecting the same, to be raised and levied; and it is hereby made the duty of the clerk of the supervisors of the said county to notify the said supervisors of such meeting. Meeting of supervisors

And be it further enacted, That the sum so to be raised shall be collected and paid into the treasury of the said county, in manner following, that is to say, two third parts thereof on or before the first day of July next, and the remaining third part thereof on or before the first day of November next. Tax, when to be collected.

And be it further enacted, That the supervisors and the judges of the court of common pleas in the said county, shall on the said third Tuesday of April next, assemble together and appoint three commissioners to superintend the building of the court house aforesaid, which said court house shall be erected on the lot of land in Richmond town, whereon the former court house was erected, or on such other piece of ground as the said supervisors and judges or the major part of them, shall agree upon in the said town, and upon such plan as the said commissioners, or a majority of them, so to be appointed, shall think most consistent with economy and the interest of the said county: And that the said commissioners, or a majority of them so to be appointed, shall and may contract with workmen and purchase materials for erecting the aforesaid court house, and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury by virtue of this act. And the treasurer is hereby required, out of the monies aforesaid to pay to the order of the said commissioners, the several sums of money to be by them drawn for: And it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county for the monies which they shall have so received from the treasury when thereunto required. Commissioners to superintend erection.

And be it further enacted, That the court of common pleas, and the court of general sessions of the peace for the same county, shall be held Courts, where to be held.

at the house of Daniel Turner in Richmond town, or at such other place in the said town, as the judges and justices of the same court, or a majority of them shall determine, until the court house aforesaid shall be built, and fit for the reception of the said courts.

Fees of
treasurer.

And be it further enacted, That it shall and may be lawful for the treasurer of the said county, to retain in his hands the sum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raised by this act.

CHAP. 46.

AN ACT to enable the corporation therein mentioned, to assume the name of the rector and inhabitants of Poughkeepsie in communion of the Protestant Episcopal Church in the State of New York.

PASSED the 5th of April, 1792.

Preamble.

WHEREAS the corporation of the rector and inhabitants of Poughkeepsie in Dutchess county, in communion of the church of England as by law established, were by letters patent under the great seal of the late colony of New York, bearing date the ninth day of March one thousand seven hundred and seventy three, enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, and to exercise all and singular the other rights and powers in and by the said letters patent to them granted, by the name and style of "The rector and inhabitants of Poughkeepsie in Dutchess county, in communion of the church of England as by law established." *And whereas* the said corporation, by their humble petition to the legislature of this State, have prayed that they may be enabled to assume and use the name of "the rector and inhabitants of Poughkeepsie, in communion of the protestant episcopal church in the State of New York;" Therefore

Episcopal
church of
Pough-
keepsie,
change of
name.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the said corporation shall and may, from and immediately after the passing of this act, assume and use the name and style of "The rector and inhabitants of Poughkeepsie, in communion of the Protestant episcopal church in the State of New York," and by the same name be capable to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, and to exercise all and singular the other rights and powers in and by the said letters patent granted as aforesaid to the said corporations, by the name and style of The rector and inhabitants of Poughkeepsie in Dutchess county, in communion of the church of England as by law established, any thing in the said letters patent to the contrary thereof in any wise notwithstanding.

CHAP. 47.

AN ACT relative to unclaimed certificates now in the treasury of this State.

PASSED the 5th of April, 1792.

WHEREAS certificates for pay due the levies and militia who served in the late war, still remain unclaimed by persons entitled thereto. Preamble.
And whereas it hath been represented to the legislature, that great frauds have been practised in procuring orders on the treasurer of this State for the delivery of such certificates. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer of this State, to deliver certificates due to any person for military services, upon the order of such person duly acknowledged before any one of the judges of the supreme court, or in the court of common pleas in the respective counties of the State, or before one of the justices of the peace of this State; Delivery of military certificates

Provided, Such order shall be presented to the treasurer of this State, on or before the first day of May next

Provided also, That it shall appear to the satisfaction of the said treasurer, that such order was executed previous to the passing of this act; and the person applying with the said certificate shall give bond to said treasurer, for the use of the people of this State, with sufficient security under such penalty as the said treasurer may deem proper, conditioned that the applicant shall redeliver the certificate, or the equivalent value thereof in money, to the said treasurer, if it shall at any time thereafter appear, that the person to whom such certificate was delivered, was not legally entitled to receive the same. Proviso as to bond of indemnity.

And be it further enacted, That from and after the passing of this act, the treasurer of this State shall not deliver any certificate or certificates for military services, other than as aforesaid, except to the person or persons who have performed such services as aforesaid, or to his or their order, to be acknowledged before one of the judges of the supreme court of judicature of this State, or of the court of common pleas of the county where such person shall reside, to be accompanied with a certificate from such judge, certifying that the person acknowledging the same, produced satisfactory evidence to the said judge, of his being the person legally entitled to the said certificate. Delivery of certificates in the future, how to be made.

CHAP. 48.

AN ACT to authorize the treasurer of this State, to pay to sundry persons the several sums of money therein mentioned.

PASSED the 6th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all persons holding certificates issued by Udney Hay State agent, and countersigned by any one of his assistants, for supplies furnished or services performed, in pursuance of an act, entitled "An act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State, and more effectually to Supply bill; certificates of State agent.

prevent supplies of cattle to the enemy," passed June 24th 1780, shall, on or before the first day of December next, present the same to the auditor of the State, who is hereby required to examine the evidence in support of the same, and in such cases where the persons producing the certificates, shall offer evidence to the satisfaction of the auditor, that the supplies were furnished or the services performed, for which the certificates were issued; he shall report the same and deliver in the vouchers accompanying such certificates, to the legislature at their next meeting.

Appropriation to divers persons. *And be it further enacted,* That the treasurer shall pay to the following persons, the following sums of money out of any money in the treasury, not otherwise appropriated, that is to say.

David Howell. To David Howell, for repairing muskets for the use of the New York regiments, in the year one thousand seven hundred and seventy six, forty eight pounds, one shilling and one penny.

Evert Bogardus. To Evert Bogardus, for making nails for the use of the rope walk at Kingston in Ulster county, in the year one thousand seven hundred and seventy seven, twelve pounds, three shillings and nine pence.

Solomon Hopkins. To Solomon Hopkins, for beef and pork supplied to Captain Townsend, of Colonel Ludington's regiment, with a guard of the militia, while on duty at Cox's mill, in May one thousand seven hundred and seventy seven, five pounds, ten shillings.

Thomas Storm et al. To Thomas Storm and Hendrick Wyckoff, for their services and expences in procuring money on loan, in consequence of concurrent resolutions of both houses of the legislature, on the thirtieth day of May one thousand seven hundred and eighty, twelve pounds.

Isaac Bloom. To Isaac Bloom, for his services and expences, in procuring money on loan, agreeably to the said resolutions of both houses of the legislature, eight pounds.

John Duzenbury. To John Duzenbury, for supporting a party under his command on special service, by order of the committee of Rembout precinct, in April one thousand seven hundred and seventy six, seventeen pounds, three shillings and four pence.

Theophilus Anthony. To Theophilus Anthony, for articles furnished to Gilbert Livingston, one of the secret committee for obstructing the navigation of the river Hudson, four pounds, seventeen shillings and four pence.

And whereas it appears to the legislature, that in the summer of the year one thousand seven hundred and seventy six, Samuel Townsend Esquire, of Queens county, did receive of the treasurer of the State, agreeable to an order of the convention of this State, one thousand four hundred and forty pounds, in continental and convention bills of credit, to be paid to the chairman of the committee of Queens county; and that Jonathan Lawrence and the said Samuel Townsend received of the said treasurer, one hundred pounds in the like bills of credit, for the purpose of purchasing provisions, for the regiment commanded by Colonel Josiah Smith, while on their march from Kings Bridge to the county of Suffolk.

And whereas it also appears to the legislature, that the sum of three hundred and seventy two pounds, six shillings and eight pence, of the aforesaid bills of credit, was not paid out or expended by the aforesaid Samuel Townsend and Jonathan Lawrence but that the identical bills of credit remained in the hands of the said Samuel Townsend, until his decease, and have since that time until this day, been in the possession of Robert Townsend the executor of the last will of the said Samuel Townsend. *And whereas* the said Robert Townsend, hath by his petition prayed the legislature, to authorize the treasurer to receive

from him, the aforesaid bills of credit, which had not been paid out or expended in discharge of so much of the ballance due to this State, from the estate of the said Samuel Townsend deceased and the said Jonathan Lawrence; therefore,

Be it further enacted, That the treasurer of this State, shall be, and he is hereby directed to receive from the said Robert Townsend, the sum of three hundred and seventy two pounds, six shillings and eight pence, in the aforesaid continental and convention bills of credit, and to credit that sum in the account charged against the said Samuel Townsend and Jonathan Lawrence, or either of them.

Account
against
Samuel
Townsend
et al.

And be it further enacted, That the treasurer of this State, shall and he is hereby directed to pay unto John Wiley, the amount of such monies as may be certified by the auditor of this State, to be due to the said John Wiley as well as in his own right, as for such sum as may in like manner be certified to be due to the said John Wiley, as executor of the estate of George Yeomans deceased, from the estate of John Turner, forfeited to the people of this State, and sold by the commissioners of forfeitures for the middle district.

Appropriation
to
John
Wiley.

Provided the monies so certified to be due, do not exceed the ballance remaining in the treasury, arising from the sale of the said estate, with interest calculated on the said ballance, from the time it was paid into the treasury, by the commissioners of forfeitures as aforesaid.

And be it further enacted, That the treasurer of this State, do pay to John Bancker, the sum of one hundred and two pounds, being the value of a piece of land, containing about thirty acres, lying in Ulster county, sold by the commissioners of forfeitures for the middle district, as having been forfeited to the people of this State, by the conviction of Lating Carpenter; but which land, from defect of title in the people of this State, has since been recovered against the said John Bancker; and the said treasurer shall also pay to the said John Bancker, his costs taxed in the said suit.

John
Bancker.

And be it further enacted, That the auditor of the State, be, and he is hereby authorized and directed, to credit Jonathan Lawrence, the sum of thirty seven pounds, two shillings and three pence, charged to his account, being for a ballance due from the late Thomas Palmer, as one of the commissioners for forwarding troops to Easton in Pennsylvania; and also the further sum of two hundred and thirty six pounds, thirteen shillings and two pence, charged against the said Jonathan Lawrence, for a ballance due from John H. Sleght, as one of the commissioners for procuring a sum in specie: And the said auditor is hereby authorized and required to allow to the said Jonathan Lawrence, interest at the rate of five per cent per annum, on such balance, as he shall find due to the said Jonathan Lawrence, from and after the first day of May, one thousand seven hundred and eighty two. And the treasurer is hereby authorized and required, to pay to the said Jonathan Lawrence, such balance as shall be certified to be due unto him, upon such settlement as aforesaid.

Allowance
to Jonathan
Lawrence.

And be it further enacted, That the said treasurer, do pay to Alexander Whaley, the sum of sixty pounds, with lawful interest from the twenty first day of March one thousand seven hundred and eighty five, until the day of the passing of this act, in satisfaction of three acres of salt meadow, purchased by him of the people of this State, and lately recovered from him, by title paramount to that of this State; and also the further sum of twenty eight pounds, ten shillings and three pence, for monies by him expended in defence of the said lands, and for his costs and disbursements therein.

Appropriation
to
Alexander
Whaley.

And whereas it appears to the legislature, that a certificate issued by Gerard Bancker treasurer of this State, to Increase Carpenter, in exchange for certificates commonly called barber's notes, and which were taken on loan by this State, was on or about the twenty third day of February, one thousand seven hundred and ninety one consumed by fire; therefore,

Certificate
to Increase
Carpenter.

Be it further enacted, That it shall be lawful for the treasurer, to issue to the said Increase Carpenter, a certificate of the same kind, of the like form, of the like amount, and bearing the like interest, with the one so consumed; upon the said Increase Carpenter with two sufficient freeholders as his sureties, having first sealed and delivered in the presence of two or more witnesses, a joint and several bond to the said treasurer, in treble the amount of the said certificate, with condition, that the said Increase Carpenter, his heirs, executors or administrators, shall and will save harmless and keep indemnified the people of this State, from any costs, charges, claims, payments or demands, for or on account of the said certificate, which is alledged to have been so consumed. And further, that the said treasurer, on issuing such certificate in pursuance of this act, shall before he delivers the said certificate to the said Increase Carpenter, or to any person for his use, make a memorandum on the margin in the book from whence the certificate alledged to have been so consumed by fire was indented and taken out, and also on the margin from whence the certificate to be issued in pursuance of this act, shall be taken out, purporting that the last mentioned certificate is issued in lieu of that alledged to have been so consumed.

Appropriation
to Joseph S.
Mabbett.

And be it further enacted, That the said treasurer shall pay to Joseph S. Mabbett, administrator of Samuel Mabbett deceased, the sum of six hundred and fifty pounds, in satisfaction of property improperly taken during the war, from the said Samuel Mabbett, by the commissioners of sequestration in Dutchess county, and by them sold, and the avails thereof paid into the treasury of this State.

And whereas a suit is now depending in the supreme court of judicature of this State, against Henry K. Van Rensselaer, in behalf of the people of the State, for certain certificates issued by the treasurer to the said Henry K. Van Rensselaer, for pay due to certain officers and soldiers, in the regiment under his command, as a colonel in the time of the late war. *And whereas* the persons hereinafter named, have by petition applied to the legislature for their pay, alledging that they have not received the certificates issued for their pay; and it appearing that the sums hereinafter mentioned were due to them respectively; Therefore

Officers
and soldiers
of Col. Van
Rensselaer's
regiment.

Be it further enacted, That the treasurer shall be, and he is hereby directed to pay, after the determination of the said suit, the following sums to the following persons being officers and soldiers of the said regiment, that is to say.

To Stephen Randall, for his services as a lieutenant in the regiment commanded by the said Henry K. Van Rensselaer, thirty nine pounds, nine shillings and four pence.

To Phineas Lewis, as a corporal and private, in the said regiment, six pounds, fourteen shillings and five pence.

To Joshua Randall, for his services as a sergeant corporal and private, in said regiment, thirteen pounds, four shillings and one penny.

To John Green, as a private in said regiment, nine pounds, five shillings and eleven pence.

To Hezekiah Hull, as a lieutenant in the said regiment, twenty three pounds, eleven shillings and five pence.

To Daniel Hull, as a lieutenant and private in the said regiment, twenty one pounds, eleven shillings and one penny.

To Ephraim Jackson, as a private in the said regiment, twelve pounds, seven shillings and eleven pence.

To Augustine Odell, a captain in the said regiment, sixty three pounds, eight shillings and nine pence.

To Jonas Odell, a sergeant and lieutenant in the said regiment, thirty three pounds, two shillings and eight pence and two thirds of a penny.

To David Husted, as a lieutenant and captain in the said regiment, eighty two pounds, thirteen shillings and nine pence.

To James Heusted, eighteen pounds, three shillings and ten pence.

To Benjamin Randall, as a private and captain in the said regiment, forty four pounds, fifteen shillings and eight pence.

To David Randall, as a private and lieutenant in the said regiment, thirty five pounds, three shillings and seven pence and two thirds of a penny.

To Mathew Randall, as a corporal and private in the said regiment, eighteen pounds, nineteen shillings and six pence.

To Charles Green, as an ensign and a lieutenant in the said regiment, twelve pounds, five shillings and eleven pence and two thirds of a penny.

To Luke Green, as a sergeant and a private in the said regiment, eight pounds, fifteen shillings and seven pence and a half penny.

Provided nevertheless, That if it shall appear in the trial of the said suit, that the said Henry K. Van Rensselaer, hath in the whole or in part paid to the said persons before named, or any or either of them, any of the said sums due to them for pay as aforesaid, then the treasurer shall deduct all such payments, from the sums of money above mentioned to be due to them respectively.

And be it further enacted, That the treasurer be, and is hereby directed to pay unto John Thomson, twenty six pounds eighteen shilling, for furniture taken by Colonel Van Rensselaer in the year one thousand seven hundred and seventy six, and sold by order of certain commissioners appointed by the then convention of this State. John Thomson.

And whereas in the year one thousand seven hundred and seventy five, five hundred and forty eight stands of arms and accoutrements, were taken from the mayor, aldermen and commonalty of the city of New York, by order of the convention of this State, for the use of the regiments commanded by General McDougal and General James Clinton, in the service of the United States, and for which the State hath exhibited an account against the United States. Therefore,

Be it further enacted, That whenever it shall appear to the treasurer, that this State hath a credit with the United States for the same, he shall thereupon pay to the said mayor, alderman and commonalty of the city of New York, such sum as this State shall appear to have credit for, on account as aforesaid. Mayor, etc., of New York city.

And be it further enacted, That the treasurer of this State, be and he is hereby directed to pay to Benjamin Moore, such sum of money as the auditor for this State, shall certify to be due, to the said Benjamin Moore, for the time that Joseph Moore his son was in service (taken prisoner and died in captivity), as shall appear to have accrued for his wages, between the day of his entering the service, and the day of his death, with the interest thereon at five per cent per annum. Benjamin Moore.

Provided, That it shall appear to the said auditor, that such pay has not been received by the officer, who by law was entitled to receive the same.

And whereas Edward Spragg late of Hempstead in Queens county, at the request of, and together with, and for the proper debt of Thomas Spragg, late of Fishkill in Dutchess county, by their bond bearing date the twenty fifth day of May, in the year of our Lord, one thousand seven hundred and sixty three, became bound to Stephen Lawrence of Flushing in Queens county, in the sum of three hundred pounds lawful money of New York, conditioned for the payment of one hundred and fifty pounds, with lawful interest for the same.

And whereas the said Thomas Spragg, paid the yearly interest on the said bond, until the year one thousand seven hundred and seventy five, but never paid any part of the principal nor any interest afterwards; and the said Thomas Spragg during the late war between the King of Great Britain and the United States of America, was convicted of the offence of adhering to the enemies of this State, and his estate become thereby forfeited, and the produce thereof, amounting to four hundred pounds, now remains in the treasury of this State.

And whereas the said Edward Spragg, is dead, and his executors have, in or about the year one thousand seven hundred and eighty eight, been compelled to pay the money then remaining due on the said bond, amounting in the whole to two hundred and sixty five pounds; and the executors of the said Edward Spragg have prayed relief in the premises: Therefore

Edward
Spragg.

Be it further enacted, That it shall be lawful for the treasurer of this State, and he is hereby directed to pay to the executors of the said Edward Spragg, the said sum of two hundred and sixty five pounds, with interest for the same, at the rate of six per cent per annum, from the fourth day of March, one thousand seven hundred and eighty eight, upon their producing and depositing with him, the said original bond and their receipts, for the monies they paid thereon, giving security to the people of the State of New York, and delivering the same to the treasurer, to refund the said money, or such part thereof as may be necessary to discharge any incumbrance, which may hereafter appear on the estate of the said Thomas Spragg, by the claim of dower by his wife, or otherwise.

And whereas it appears from the certificate of the treasurer of this State, that the attendance of Philip Schuyler in this city, whilst a senator in Congress, prevented his exhibit of claims on forfeited estates, within the time limited by law. For his relief therefore,

Claim of
Phillip
Schuyler.

Be it further enacted, That if the said Philip Schuyler, shall, within six months after the passing of this act, exhibit to the said treasurer, an account of his claims, examined and certified in manner directed by law, by the chancellor or one of the judges of the supreme court, the treasurer shall pay the same out of any unappropriated monies in the treasury. *Provided* that sufficient avails are left in the treasury, arisen from the estates respectively against which such claims shall be made.

And provided also, that the debts on which such claims have arisen, were contracted before the ninth day of July one thousand seven hundred and seventy six.

And provided further, that the said Philip Schuyler shall, on receiving the monies aforesaid, give security to the people of this State, and deliver the same to the treasurer, to refund the said money, or such part thereof as may be necessary to discharge any incumbrances, which may hereafter appear on the estates of such persons respectively, by claim of dower or otherwise.

And whereas William Malcom deceased, did in his life time procure an adjustment of his claims against Hugh Munro and Alexander

Crookshank, (whose estates were forfeited to the people of this State), before one of the judges of the supreme court, but not making application within the time limited by law, no payment was made. Therefore,

Be it further enacted, That it shall and may be lawful for the treasurer of this State, to pay to the administrators of the said William Malcolm deceased, the amount of the said certificates, out of any monies unappropriated. Appropriation to William Malcolm.

Provided the monies so certified to be due against the said Hugh Munro, do not exceed the sum now in the treasury arising from the sale of the estate of the said Hugh Munro; and that the amount of the monies so certified to be due against the said Alexander Crookshank, does not exceed the sum now in the treasury, arising from the sale of the estate of the said Alexander Crookshank, any law to the contrary notwithstanding.

And provided also, that the debts on which such claims have arisen, were accrued before the ninth day of July, one thousand seven hundred and seventy six.

And provided further, that the said administrators of the said William Malcolm deceased, shall, on receiving the monies aforesaid, give security to the people of the State, and deliver the same to the treasurer, to refund the said money, or such part thereof as may be necessary to discharge any incumbrance, which may hereafter appear on the estates of such persons respectively, by claims of dower or otherwise.

And whereas William Cockburn, in pursuance of an act of the legislature, passed the ninth day of March one thousand seven hundred and ninety, had his accounts and demands liquidated and certified against John Weatherhead, whose estate by his attainder was forfeited to the people of this State; and on application to the treasurer for payment thereof, it appeared that all the estate of the said John Weatherhead, which had come into the treasury, had before been paid out by the treasurer, to other creditors; and the said William Cockburn can obtain no part of his demand, and he having prayed the legislature that he may be paid out of such real estate of the said John Weatherhead, as he shall discover, and that has not yet come to the knowledge of the commissioners of forfeitures. Therefore.

Be it further enacted, That if the said William Cockburn, shall discover any estate forfeited by the attainder of the said John Weatherhead, to the surveyor general, and not before disposed of, it shall and may be lawful for the surveyor general, to sell the lands so discovered, at public vendue, to give a conveyance for the same, to the purchaser or purchasers thereof, without warranty, and to pay the monies arising from such sale, into the treasury; and the treasurer shall, out of such monies pay the demands of the said William Cockburn, so liquidated and certified as aforesaid. Relief of William Cockburn.

And whereas Henry Oothoudt and Jacob G. Klock, commissioners of forfeiture for the western district, sold unto Samuel Stringer, a certain tract of land supposed to contain five hundred acres and the usual allowance for highways, for the consideration of three hundred and seventy five pounds.

And whereas it appears from a certificate of the surveyor general, that the said tract contains only four hundred and forty seven acres. Therefore,

Be it further enacted, That the treasurer of this State, shall pay unto the said Samuel Stringer, the sum of fifty eight pounds ten shillings, being the amount of the deficiency at fifteen shillings per acre. Samuel Stringer.

Provided always, That it shall appear to the satisfaction of the said treasurer, that the lands were sold by the acre and not in gross.

Henry I.
Van Rensselaer et al.

And be it further enacted, That the treasurer shall be, and hereby is directed to pay to Henry I. Van Rensselaer, the sum of twenty seven pounds, for his services in making impresses, under warrants from the governor, in the year one thousand seven hundred and eighty; and to Egbert Dumond the sum of nineteen pounds, for the like services; and to the following persons for assisting them in the said service, the sums following: to Jocham Miller, two pounds eight shillings; to Cornelius I. Miller, one pound sixteen shillings; to Samuel Ten Broeck, one pound sixteen shillings; to Lawrence Fonda, four pounds four shillings; to John D. Robinson, two pounds eight shillings; to Henry Platner, three pounds twelve shillings; to James Elting, two pounds eight shillings; to Richard Esselstyne, two pounds eight shillings; to Christopher Muller, three pounds twelve shillings; to David Shirts, two pounds eight shillings; and to John Philips, one pound four shillings.

William
Lawrence
et al.

And be it further enacted, That the treasurer shall be, and is hereby directed to pay to William Lawrence and Richard Seaman ninety two pounds fifteen shillings and four pence, being the amount of money belonging to them, and which was paid by Charles Duryee, by order of a committee of the convention of this State, in the year one thousand seven hundred and seventy seven; and to Thomas Ten Eyck, the sum of one hundred and forty seven pounds fourteen shillings and eight pence; and to Thomas Ten Eyck and Edmund Seaman, the sum of eighty pounds nine shillings and four pence, being the amount of monies belonging to them, and taken from Lemountis Noe, by order of the commissioners for detecting and defeating conspiracies, in the year one thousand seven hundred and seventy seven.

Daniel
Williams
et al.

And be it further enacted, That it shall be lawful for the treasurer, and he is hereby directed to pay to Daniel Williams, such sum as shall be certified by the attorney general, to be due to him, on settling the demand of Elizabeth Gidney, for her dower in certain lands in the county of West Chester, purchased by the said Daniel Williams, of the commissioners of forfeiture. And also to Stephen Ward and Jonathan G. Tompkins respectively, such sums as the attorney general shall certify to be due to them respectively, on settling the claim of the representatives of Archibald Campbell, to certain lands in the county of Dutchess, purchased by the said Stephen Ward, and two acres of land and a mill, purchased by the said Jonathan G. Tompkins, of the commissioners of forfeitures, or the commissioners for procuring a sum of money in specie: And also to Joseph Brewster and Mills Philips, such sum as the attorney general shall certify to be due to them, on settling the demand of Mary Muirson, for her dower in certain lands in the county of Suffolk, purchased by the said Joseph Brewster and Mills Philips, of the commissioners of forfeitures for the southern district.

John
Quackenboss
et al.

And be it further enacted, That the treasurer shall pay to John Quackenboss, the sum of twelve pounds, being for so much money paid by him to Richard Morris Esquire, for a release of his claim to a lot of land in the city of New York, purchased by the said John Quackenboss, of the commissioners of forfeiture: and also to Benjamin Smith, the sum of two hundred pounds, as a compensation to him, for his property sold by order of the commissioners of sequestration, in the county of Ulster.

CHAP. 49.

AN ACT authorizing the mayor aldermen and commonalty of the city of New York, to fill in and raise the tract of land in the said city, called the Meadows, and for continuing Roosevelt and Frankfort streets.

PASSED the 6th of April, 1792.

WHEREAS Benjamin Hildreth, John De Peyster, John Franklin, Samuel Franklin, Comfort Sands and Samuel Osgood and others, in and by their certain petition to the legislature, setting forth, that in the city of New York, in that part commonly called and known by the name of the Meadows, in the fifth ward of the said city, there are many vacant lots of land, which through the inattention of their owners have become deep sunk holes, the receptacles of water in the rainy seasons, and the source of many unwholesome and noxious stenches; and that the petitioners are informed, that the powers of the corporation of the said city are not competent so far as to grant any relief, in the premises; and have therefore humbly prayed the legislature, that an act may be passed to compel the owners of said lots to fill them up, and so remove the said nuisance; or that such other measures may be taken, as to the legislature shall seem expedient: Wherefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful, to and for the mayor aldermen and commonalty of the said city, in common council convened, by an ordinance or ordinances, bye law or bye laws for that purpose to be made and ordained, and in such manner as they shall deem to be most conducive to the health, convenience and safety of the citizens of the said city, and the interest and advantage of the proprietors of the respective houses and lots of ground to be affected thereby, to order the filling in with earth, and raising the lots of ground and streets in all the aforesaid tract of land called the Meadows, situate in the fifth ward of the said city, and bounded northerly by Chatham street, southerly by the rear of the lots on the northerly side of Cherry street, westerly by the rear of the lots on the easterly side of Queen street, and easterly by Catharine street, to such heighth as to convey into the East river all the water which shall from time to time fall on the said tract of land, or run thereon from the adjoining lots and streets; and that the expence of conforming to such regulation shall be borne and paid by the owners of the respective lots of ground to be affected thereby, in the manner herein after mentioned.

And be it further enacted, That Richard Furman, Frederick Rhineland, George Stanton, Joseph Stringham and John Stagg, shall be, and hereby are appointed commissioners to make an estimate of the whole expences of conforming to such regulations as aforesaid, and to make a just and equitable assessment thereof, among the owners of all the houses and lots of ground intended to be benefited thereby, in proportion, as nearly as may be to the advantage which each shall be deemed to acquire respectively, making such allowance to such of the owners or proprietors of any of the said houses and lots of ground, as shall have filled in or raised their respective lots of ground, or the streets in front thereof, as they the said commissioners shall deem just and equitable. And the said commissioners shall before they enter upon the execution of their trust, be duly sworn before the mayor or

Preamble.

By-laws for filling streets in the meadows in the fifth ward, New York city.

Commissioners to make assessment.

recorder of the said city, to make the said estimate or assessment fairly and impartially, according to the best of their skill and judgment; and a certificate in writing of such estimate and assessment, under the hands and seals of the said commissioners, or any three or more of them, being returned to the common council of the said city, and ratified by them, shall be binding and conclusive upon the owners of such houses and lots of ground so to be assessed respectively; and the sum or sums of money at which each such house and lot of ground shall be so assessed, shall become and be a charge upon such respective house and lot of ground, into whose soever hands and possession the same shall at any time thereafter come or descend. And the owners of such houses and lots of ground respectively, at the time of such assessment shall thereupon become, and be liable and chargeable, and they are hereby required upon demand, to pay to such person or persons as shall be authorized by the common council of the said city to receive the same, the sum at which each such house or lot of ground shall be so assessed, to be employed and applied for and towards filling and raising such respective lot of ground, and the street opposite thereto; and in default of payment thereof or any part thereof, it shall and may be lawful to and for the mayor recorder and aldermen of the said city or any five of them, of whom the mayor or recorder always to be one, by warrant under their hands and seals to cause the said sum and sums of money so assessed, to be levied by distress and sale of the goods and chattels of the owner of such house or lot of ground so assessed, and refusing or neglecting to pay the same, rendering the overplus money if any there be, after deducting the sum assessed, and the charges of distress and sale, to such owner or owners respectively, or their legal representatives. And in case no sufficient goods or chattels of the owner of any such house or lot of ground can be found within the city and county of New York, whereof the sum or sums of money so assessed thereon can be made and levied; or in case the owner of such house or lot of ground so assessed is unknown, or shall reside out of the said city of New York, the said common council shall take order for advertising such lot of ground and the buildings thereon, if any there be, in two or more public newspapers printed in the said city, for thirteen weeks, at least twice in every week, in and by such advertisement describing the same lot of ground, and requiring the owner or owners thereof respectively, to pay the sum or sums of money at which such lot of ground shall be so assessed, to the treasurer or chamberlain of the said city, to defray the expense of the intended work; and that if default shall be made in such payment, such lot will be sold at public auction, at a day and place therein to be specified, in fee simple, to the highest bidder, to defray the expense aforesaid. And if notwithstanding such notice, the owner or owners of any such lot of ground shall refuse or neglect to pay such assessment, with the charges of such advertisement, then it shall be lawful to and for the said common council to cause the said lot of ground, together with the buildings thereon, if any there be, to be sold at public auction in fee simple, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his heirs or assigns shall by virtue thereof, and of this act, hold and enjoy the same for his and their own proper use, against all former owner or owners thereof, and all claiming under him or them; any law usage or custom to the contrary thereof notwithstanding.

Provided always. That if after defraying the actual expence of conforming any lot of ground so to be sold, and the street in front thereof,

to the regulations aforesaid, and deducting all reasonable charges attending the same, a surplus of the purchase money bidden or given therefor at such auction, shall remain in the hands of the chamberlain or treasurer of the said city, the same shall, on demand be rendered to the owner or owners of such lot of ground respectively, or his her or their legal representatives.

And be it further enacted, That if upon the completion of such regulation, it shall appear to the common council that a greater sum of money hath been bona fide expended in making such regulation, than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said common council to cause a further assessment to be made by the commissioners above named, or any three or more of them, of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners of all the houses and lots of ground before assessed as aforesaid, and to cause the same to be collected in the same manner, as herein before directed. *And further*, that in case the sum actually expended shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same was so collected and received as aforesaid, or his her or their legal representative.

Proceedings where expense exceeds first assessment.

And be it further enacted, That it shall and may be lawful for the mayor, aldermen and commonalty of the city of New York, in common council convened, to lay out and continue Roosevelt street, which now runs through part of the tract of land aforesaid, from Chatham street to Cherry street, on a straight line to the East river, through the lots of ground on the southerly side of Cherry street aforesaid, and of such breadth as the common council shall think proper, not exceeding the present breadth thereof, on the northerly side of Cherry street aforesaid.

Roosevelt street to be continued.

Provided always, That before the laying out and continuing the said street to the East river as aforesaid, the said mayor, aldermen and commonalty, shall for that purpose first have and obtain the consent of the proprietor or proprietors, his her or their legal representatives, of such houses and lot or lots of ground, through which the said street may pass, on the south side of Cherry street aforesaid.

And be it further enacted, That it shall be the duty of the commissioners in this act above named, upon a full and equitable consideration and estimate of all the circumstances attending the same, to determine what part or proportion of all and every the sums of money which shall be expended by the common council of the said city, for opening and continuing Roosevelt street to the East river as aforesaid, ought to be borne and paid by the said common council, in consideration of the general convenience to the citizens of the said city, occasioned by opening and continuing that street as aforesaid; and what part or proportion thereof, specifying the sum, ought to be borne and paid by individual citizens, in the tract of land called the Meadows, and in Roosevelt street continued as aforesaid, and in the vicinity thereof, whose estates have become advanced or increased in value by such improvements, and that it shall also be the duty of the said commissioners, to make a just and equitable assessment of the last mentioned sum, among the owners of all the said houses and lots of ground, which shall appear to them to be benefitted as aforesaid, in proportion as nearly as may be, to the advantage which each shall be deemed to have acquired respectively; and that they the said commissioners, or any three or more of them, shall make a certificate in writing of such assessment, under their hands and seals, and return the same to the common council of the said city, which

Expense of extending Roosevelt street, how paid.

assessment shall be binding and conclusive upon the owners of such houses and lots of ground so to be assessed respectively; and the sum or sums of money, at which each such house and lot of ground shall be so assessed, shall be deemed a debt due from the owner or owners thereof, his her or their lawful representatives, to the mayor, aldermen and commonalty of the said city, and shall be payable to them within three months from the date of such assessment; and shall moreover become and be a charge or lien, and prior incumbrance upon such respective house and lot of ground, into whose hands or possession soever the same shall then be, or at any time thereafter may come or descend; and the respective owners of such houses and lot or lots of ground respectively, at the time of such assessment, shall thereupon become and be liable and chargeable, and they are hereby required, to pay to the treasurer or chamberlain of the said city for the time being, who is hereby authorized to receive the same, to the use of the said corporation, the sum at which each such house and lot or lots of ground, shall be so assessed as aforesaid; and in default of payment, the same shall and may be recovered at the suit of the said treasurer or chamberlain, in any court of record within this State, with interest at six per cent, to accrue after the said three months from the date of such assessment, with costs of suit. And no such action or suit shall be abated or discontinued, by the death of the treasurer or chamberlain of the said city, or by his resignation or removal from office; but shall and may be continued and prosecuted to effect, by his successor in office.

Frankfort
street to be
continued.

And be it further enacted, That it shall and may be lawful to and for the mayor, aldermen and commonalty of the city of New York, in common council convened, to cause Frankfort street to be continued to Queen street, in the manner and under the restriction herein before provided respecting the continuance of Roosevelt street; and the said mayor, aldermen and commonalty and the commissioners herein before named, shall have the like powers and authority, for the purpose of continuing Frankfort street as aforesaid, and paying the expences thereof, as are herein before given to them respectively for continuing Roosevelt street.

CHAP. 50.

AN ACT concerning the partition of certain lands, devised by Robert Livingston Esquire deceased, to his daughters.

PASSED the 6th of April, 1792.

Preamble.

WHEREAS James Duane and Mary his wife, John Patterson and Catherine his wife and Henry Livingston, by their humble petition to the legislature have represented, that their father Robert Livingston, late of the manor of Livingston Esquire deceased, by his last will and testament, duly executed and dated the thirty first day of May one thousand seven hundred and eighty four, did amongst other things will, order and direct, that his three daughters the said Mary Duane, Catherine Patterson and Alida Gardner, then the wife of Valentine Gardner, should make a partition and division of all his estate in the patent of Saraghtoga into three equal shares and parts, as near as might be, and by ballot or otherwise invest each of his daughters with one third part thereof; and the part so coming to the share of the said Alida, be devised to her for life, and the remainder to her child or children, his and their

heirs and assigns forever; and devised to his said daughters Mary Duane and Catherine Patterson, and to their heirs and assigns forever, in severalty, each one third part of his estate in the said patent of Saraghtoga, agreeably to the balloting or division to be made thereof as aforesaid; that their father died in the month of November, one thousand seven hundred and ninety, leaving the said will in full force; and that the said Alida Gardner together with Valentine Gardner her husband, then residing in England, shortly afterwards constituted the said Henry Livingston, to be their agent or attorney, with full power to take the charge and management of the estate, devised to her by the said will; that all the petitioners thereupon joined in the necessary measures to accomplish the partition aforesaid, in the manner directed by the testator; and caused the lands to be surveyed and subdivided into farms or allotments, in order to render such partition as fair and equal as possible; but the death of the said Alida Gardner, intervening in the month of September last, the further execution of the business was frustrated; that the said Alida Gardner left issue William Gardner, her only child, who is yet a minor and absent; and that doubts have arisen, whether the two surviving daughters of the testator, can by law execute the trust reposed by the said testator in his three daughters respecting the said partition; and therefore the petitioners conceiving that this is a case which calls for, and will justify the interposition of the legislature, to enable them to carry into legal effect the intentions of the testator, humbly pray, that a law may be passed, authorizing the said Mary Duane and Catherine Patterson, in their own right, and the said Henry Livingston in trust for the said William Gardner, to make the said partition and division according to the true intent and meaning of the will of the testator. And this being a case in which legislative interposition will promote as well the interest of each of the parties concerned in the said estate, as to carry the intention of the testator into effect, therefore, in compliance with the prayer of the said petition,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the said Henry Livingston shall be, and he is hereby constituted and appointed a trustee, in the place of the said Alida Gardner, and in behalf of the said William Gardner, for the special purpose of uniting with the said Mary Duane and Catherine Patterson, in carrying into full effect the trust reposed, by the will of the said Robert Livingston, in them the said Mary, Catherine and Alida, respecting such partition and division of the estate, whereof the testator died seized, in the said tract or patent of Saraghtoga, in the proportions and manner and for the uses and purposes and according to the true intent and meaning expressed and declared by the said testator, in his said last will and testament concerning the same. And that it shall be lawful for the said Henry Livingston, and he is hereby authorized and empowered in his own name, as trustee, under this act, to join with the said Mary Duane and Catherine Patterson or with them and their respective husbands as the case may require, in all acts and proceedings; and all deeds, agreements, and other instruments in writing, which may be proper and necessary, for rendering such partition and division final and conclusive, according to the intention of the testator; and every thing to be done and executed by the said Henry Livingston, touching such partition, in pursuance of this act and according to the true intent and meaning of the testator, shall be as good and available in the law to all intents and purposes, as if the said Alida Gardner in her life time, with or without her husband, had been herself a party thereunto, and actually performed the same.

Partition
of lands
devised by
will of
Robert
Livingston,
deceased.

Provided always, That to give effect to such partition, every proceeding therein shall be approved of in writing, by two or more of the justices of the supreme court of judicature of this State; and that the said balloting shall be performed in their presence, and under their direction; and that the truth of the surveys, field work and maps of the surveyor and surveyors entrusted to make the subdivision and allotments for the purpose of the said partition, shall be proved by his or their oath, to be administred by the said justices or one of them.

CHAP. 51.

AN ACT concerning conveyances by married women.

PASSED the 6th of April, 1792.

Convey-
ance by
non-resi-
dent mar-
ried
woman.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That in all cases when any married woman not residing in this State, shall join with her husband in the sale of any messuages lands tenements or hereditaments situated in this State and shall join in and execute, seal and deliver the conveyance of such messuages lands tenements or hereditaments, every such woman shall be thereby barred of and from all right and claim of dower in the messuages lands tenements and hereditaments so conveyed.

Acknowl-
edgments
before U.
S. supreme
court
judges.

And be it further enacted by the authority aforesaid, That all acknowledgments and proofs of deeds and conveyances of any lands tenements or hereditaments situated in this State taken or made before any judge of the supreme court of the United States shall be of the like validity and force, as if the same was taken or made before a judge of the supreme court of this State.

CHAP. 52.

AN ACT for raising money for building a court house, and gaol in Washington county.

PASSED the 6th of April, 1792.

Washing-
ton county,
tax for
court-
house and
jail.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the several towns in the county of Washington for the time being, shall, and they are hereby authorized to direct to be raised and levied, on the freeholders and inhabitants of the said county, a sum not exceeding nine hundred pounds, for building a court house and gaol in the said county, with the additional sum of one shilling in the pound for collecting the same; which sum shall be raised levied and collected in like manner as the other contingent and necessary charges of the said county are levied and collected.

Tax, when
to be paid.

And be it further enacted, That the one half of the said sum of nine hundred pounds, shall be collected and paid into the treasury of the said county, on or before the first Tuesday in November next, and the other half part thereof, on or before the first Tuesday in November next following.

And be it further enacted, That the supervisors of the said county of Washington, at their meeting on the last Tuesday in May next, shall determine on the quota which each respective town in the said county, shall pay of the said sum so to be raised by virtue of this act, and then and there, together with the judges of the court of common pleas, by a majority present shall appoint three persons as commissioners, for the purpose of superintending the building of the said court house and gaol.

Quota of towns; commissioners to build.

And be it further enacted, That the monies so to be raised by virtue of this act, shall be paid by the respective collectors of the several towns into the treasury of the said county.

Moneys paid to county treasurer.

And be it further enacted, That the said commissioners, or a major part of them so to be appointed, shall and may contract with workmen, and purchase materials for erecting the said court house and gaol, and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury by virtue of this act; and the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money to be by them drawn for; and it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county, for the monies which they shall have so received from the treasurer, when thereunto required.

Erection of buildings.

And be it further enacted, That the court house and gaol, to be built in pursuance of this act, shall be erected and built at such place, as the supervisors of the said county or a majority of them shall determine.

Where to be erected.

CHAP. 53.

AN ACT to enable the commissioners of the land office, to direct letters patent to be granted to certain persons, for the quantities of land therein mentioned.

PASSED the 9th of April, 1792.

WHEREAS it is represented to the legislature that sundry persons, officers and privates of the regiments raised within this State, upon bounties of unappropriated lands, have through some mistake, omitted to make their locations, within the time limited by law. Therefore,

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, in case it shall appear to them upon examination, that any person or persons applying for bounty lands, was entitled to the same as aforesaid, to direct letters patent to be granted to him or them, for the quantity of unappropriated land, which they were severally entitled to, as bounty land, in virtue of any law of this State, for raising troops, on bounties of unappropriated lands, any law to the contrary thereof in any wise notwithstanding.

Location of bounty lands.

Provided always That such application be made in writing, and delivered to the said commissioners, on or before the first day of October next.

And be it further enacted, That the commissioners of the land office be, and are hereby required, to grant letters patent to Ezekiel Scott, for two thousand acres of unappropriated lands of this State.

And whereas James Shepard, a soldier in Colonel Marinus Willetts regiment of levies, in the service of this State; in the late war, did

assign his right of, in and to, the bounty land granted by this State to such levies, unto Matthew Watson, after which the said James Shepard deserted from the said service, and the said Mathew Watson procured at his own expence, John Dunlap as a substitute, to serve in the room of the said James Shepard, which substitute, did serve out his full term, and was legally discharged. Therefore.

Grant to
Mathew
Watson.

Be it further enacted, That it shall and may be lawful for the commissioners of the land office, to grant unto the said Mathew Watson such a quantity of unappropriated land as a private soldier in the said levies was entitled to by law.

And whereas it is represented to the legislature, that Wheeler Douglass purchased of Thomas Havens, Cobus Tobacco, John Hambleton, Isaac Nimham, George Clow and George Rogers soldiers in Colonel Marinus Willets regiment of levies, their several rights of, in and unto five hundred acres of bounty land, and that the said soldiers afterwards deserted from the service, and that the said Wheeler Douglas did at his own expence procure and deliver John Taylor, Jesse Gardner, Mathew Bell, Peter Barret, Arthur Brayton,* and William Palmetier, as substitutes in the room and stead of the said soldiers who had deserted, which substitutes did serve in the said levies, until they were duly discharged. Therefore,

Grant to
Wheeler
Douglass.

Be it further enacted, That the commissioners of the land office are hereby authorized and required, to issue letters patent to the said Wheeler Douglass, for such quantity of unappropriated land of this State, as the said soldier, privates in the said levies were entitled to by law.

Provided That letters patent have not been issued to the said substitutes or any of them.

And provided further That the said Wheeler Douglass shall prove to the satisfaction of the said commissioners that he has actually purchased from the persons above named, the right of bounty lands, to which they were severally entitled for their services as aforesaid.

Grants to
physicians
and sur-
geons.

And be it further enacted, That it shall and may be lawful to and for the commissioners of the land office and they are hereby directed, to cause to be granted, to the physicians and surgeons of the late general hospital of the United States, who were in the service of the United States, on or after, the sixteenth day of September, one thousand seven hundred and seventy six, and who continued therein until they were de-ranked or dismissed and who at the time of entering the service were citizens of this State, the like proportion of unappropriated lands according to their respective grades as have been granted by this State to the officers of the line of this State, serving in the line of the United States.

Grant to
Edward
Louns-
berry.

And be it further enacted, That it shall and may be lawful, to and for the commissioners of the land office, and they are hereby directed to cause to be granted to Edward Lounsberry the like proportion of unappropriated land as has been granted to a captain of the line of this State serving in the army of the United States.

CHAP. 54.

AN ACT to enable certain persons therein named, to purchase and hold real estates, within this State.

PASSED the 9th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful, for John Cornelius Van den Heuvel, Justina Henrietta Frederica his wife, Isaac Gysbert Herman Van den Heuvel, Charlotte Geertruyda Van den Heuvel, Jacob Adriane Van den Heuvel, Margareta Catharina Eleonora Van den Heuvel, and Justine Jeane Henrietta Van Den Heuvel, their children, Alexander Ellice, William McCarty, Jan Boers, Rogier Gerard Van Polanen, John Lincklaen, Gerrit Boon, Claude Ambroise Dugast, Henry Marin, Augustus Dubosq, Thomas H. Brantingham, Walter Dowdall, Barnaby Coffie, James Corish, John Voght, John Thompson, John Althouse, John Joseph da Silva, Henry Bethune Stark, John Maunsel, Joseph Whelan, Thomas Mounsey, Mary Duffy, Joze Roiz Silva, James Phyn, Thomas Brown of Belfast, and Anthony Latour, to take and hold, by purchase or descent, lands, tenements and hereditaments within this State, to have and to hold the same to them, and to their respective heirs and assigns for ever, as fully, to all intents and purposes, as any natural born citizen may or can do, any law, usage or custom, to the contrary notwithstanding.

Persons named may hold lands in this State.

And be it further enacted, That no lands, tenements, or hereditaments in this State, heretofore purchased by any of the persons herein before named, shall escheat to the people of this State, by reason, or on account of such person's then being an alien; but all such lands, tenements and hereditaments, shall vest in such purchaser, in the same manner as if such purchaser had been naturalized at the time of such purchase; any law to the contrary, notwithstanding.

Lands of persons named not to escheat.

CHAP. 55.

AN ACT for building a court house and gaol in the county of Ontario.

PASSED the 9th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the several towns in the county of Ontario for the time being, or a majority of them, shall be, and they are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, the sum of six hundred pounds, for building a court house and gaol in the said county, with the additional sum of one shilling in the pound, for collecting the same; which said sums shall be raised at such times levied and collected in the same manner as the other necessary and contingent charges of the county are levied and collected.

Ontario county, tax for court-house and jail.

And be it further enacted, That it shall be lawful for the supervisors and judges of the court of common pleas in the said county or a majority of them to appoint three commissioners to superintend the building the court house and gaol aforesaid, which said court house and

Commissioners to superintend building.

gaol, shall be erected in the town of Canadagua, on such plan as the said commissioners or a major part of them, so to be appointed, shall judge best: And the said commissioners, or a major part of them, may contract with workmen, and purchase materials for erecting the said court house and gaol; and shall from time to time draw upon the treasurer of the said county, for such sums of money for the purposes aforesaid, as shall come into the treasury by virtue of this act: And the treasurer is hereby required, out of the monies aforesaid, to pay to the order of the said commissioners, the several sums of money, to be by them drawn for. And it is hereby made the duty of such commissioners so to be appointed, to account with the supervisors of the said county, for the monies which they shall have received from the treasury, when thereto required.

Fees of
treasurer.

And be it further enacted, That it shall and may be lawful for the treasurer of the said county to retain in his hands, the sum of three pence in the pound for his trouble in receiving and paying out the monies, directed to be paid by this act.

Circuit
courts in
Ontario.

And be it further enacted, That the seventh section of the act entitled "An act to erect part of the county of Montgomery into a separate county by the name of Ontario" be and hereby is repealed, so far as respects the justices of the supreme court holding circuit courts in the county of Ontario.

CHAP. 56.

AN ACT for the payment of the salaries of certain officers of government, and other contingent expences.

PASSED the 9th of April, 1792.

Supple-
mental
supply bill;
surveyor-
general.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That there shall be allowed and paid to Simeon De Witt, surveyor general of this State, for his services in that office, from the first day of May last, to the first day of May next, the sum of four hundred pounds; and from and after the said last mentioned day, to the first day of July next, he shall be allowed and paid for his services in the said office, after the rate of the said sum, for such length of time as it may be; and the treasurer is hereby authorized to pay the said respective sums, the former on or before the first day of May next, and the latter as soon as may be, after the first day of July next.

Provided nevertheless, that the said Simeon De Witt, shall account with the auditor, and pay into the treasury, all the fees which he may have received as surveyor general, during the time above said, and which have not already been accounted for and paid.

Adjutant-
general.

And be it further enacted, That there shall be allowed and paid to Nickolas Fish, adjutant general of the militia of the State, for his services in that office, from the thirteenth day of April last, to the thirteenth day of April in the present year the sum of three hundred and fifty pounds; and from and after the said last mentioned day, to the first day of July next, he shall be allowed and paid for his services in the said office, after the rate of the said sum, for such length of time as it may be; and the treasurer is hereby authorized to pay the said respective sums, the former on or before the thirteenth day of April next, and the latter as soon as may be, after the first day of July next.

Clerk of
oyer and
terminer.

And be it further enacted, That the treasurer shall pay to James Fairlie, clerk of the courts of oyer and terminer and general gaol delivery, for his services in that station, from the first day of July last to the first

day of July next, the sum of three hundred pounds. And to Sebastian Bowman, commissary of military stores, for his services in that station, from and after the respective days last mentioned, the sum of forty pounds. Commissary of military stores.

And be it further enacted, That the treasurer shall pay to Francis Childs, for his services as printer to the State, from the eleventh day of January last, to the first day of July next, after the rate of one hundred pounds per annum; and shall pay the further sum of twenty five pounds for his extra services, during the present session, and for his services to be performed in virtue of the act for loaning monies belonging to this State," and for paper to be furnished by him for that purpose, such sum as shall be certified to be due to him by the auditor of this State. State printer.

And be it further enacted, That the treasurer shall pay to such gentlemen of the clergy, for attending the legislature as chaplains, during the present session, the sum of sixteen shillings each, for every day of their attendance for that purpose; and the certificates of their attendance, and the sums due to them respectively, shall be certified by the president of the senate and the speaker of the assembly, in like manner as for members of the legislature. Chaplains of legislature.

And be it further enacted, That the treasurer shall pay to the secretary of the State the sum of fifty pounds in lieu of all fees for military commissions, which may have been or shall be issued from his office, between the first Tuesday of January last, and the first day of July next, and which have not already been paid for by the persons for whom they may have been issued. Secretary of State, fees for commissions.

And be it further enacted, That the the treasurer of the State, pay to Richard Varick, Gerard Bancker and John Watts commissioners for building the government house the sum of seventy six pounds eight shillings, being the amount of certain accounts remaining due to sundry trades men and mechanicks, for work done in and upon the said house, and a further sum not exceeding six hundred pounds for painting and compleating the said house. Commissioners for building government-house.

And be it further enacted That that the treasurer shall pay to each member of the joint committee of the senate and assembly who attended to canvas the ballots taken at the last election for senators and for a member to represent this State in the house of representatives of the Congress of the United States for every day they attended for that purpose the like compensation as is or shall be allowed to the members of the legislature for their services in the present sessions. State canvassers.

And be it further enacted That the treasurer shall pay to Peter T. Curtennis, the auditor of this State, the sum of fourteen pounds nineteen shillings and two pence, for his expences in going to and returning from Philadelphia, to explain the accounts of this State, against the United States pursuant to a concurrent resolution of both houses of the legislature at their last session. Auditor, for expences.

And be it further enacted, That the treasurer pay to George Gosman the sum of one hundred and eighteen pounds and ten pence, in full for extra work by him done in building the office of secretary of this State. George Gosman.

And be it further enacted, That the treasurer shall pay to David Barclay, sergeant at arms to this house the sum of eleven pounds ten shillings and two pence, being the amount of monies advanced by him for the expences of John Howard a person employed by the said David Barclay, to go into the the county of Herkimer, in obedience to an order of the committee of privileges and elections. Sergeant-at-arms.

And be it further enacted, That the treasurer shall pay to Elihu Chan- cey Goodrich, or his order the sum of eight hundred and twenty six Elihu Chan- cey Goodrich.

pounds, fourteen shillings and ten pence, to be by him appropriated in discharging the expences incurred in securing the prisoners lately confined in the gaol of the county of Columbia, and charged with the murder of Cornelius Hogeboom, Esquire; and that he charge the same to the said Elihu Chancey Goodrich, who shall account with the auditor for the expenditure thereof, within six months after the receipt thereof; and upon producing a certificate from the said auditor to the said treasurer, of his having duly executed the trust reposed in him, he shall receive a credit on the books of the said treasurer, for the amount of the sum expended, in the discharge of the expences aforesaid.

Appropriations, how and when payable.

And be it further enacted, That all sums of money directed to be paid by this act, and which will become due on or before the first day of July next, shall be payable out of any monies which may be or may come into the treasury, and all such sums as by virtue of this act will become due from and after the said day, shall be paid out of the like monies as the salaries of the other officers of government, not provided for in this act, shall by law be directed to be paid.

CHAP. 57.

AN ACT for the relief of Susannah Small and Jane Crosset.

PASSED the 9th of April, 1792.

Preamble.

WHEREAS it hath been represented to the legislature, that Jacob Small, a captain in the militia, and James Crosset, a soldier in the levies, raised for the defence of the frontiers of this State, were respectively slain in battle, with the enemies of the United States; and that Susannah small and Jane Crosset, the widows of the said Jacob and James, have not intermarried with any person since the decease of their said husbands respectively. Therefore,

Appropriation to Susannah Small and Jane Crosset.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer of this State, be, and he is hereby empowered and directed to pay to the said Susannah Small and Jane Crosset, as follows, to the said Susannah, the sum of six hundred, and seventy two pounds, being the amount of seven years half pay of a captain in the militia of this State; and to the said Jane, the sum of one hundred and twelve pounds being the amount of seven years half pay of a private soldier in the levies aforesaid.

CHAP. 58.

AN ACT concerning the arrears of taxes and the payment of audited accounts and for other purposes.

PASSED the 9th of April, 1792.

Interest not to be computed on certain certificates

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That no interest which shall have arisen after the eighth day of March, in the year one thousand seven hundred and ninety one, shall be computed or allowed on any certificate, given for the debts due from persons

whose estates have been forfeited or confiscated, which may be paid on account of any tax, or on account of the arrears of any tax or taxes whatsoever.

And be it further enacted by the authority aforesaid, That the fifth section of the act, entitled "An act authorizing the auditor to audit certain accounts and claims, and for other purposes therein mentioned," shall be, and hereby is repealed. And the treasurer is hereby directed, to pay all such audited accounts as shall be presented to him for payment out of any monies in the treasury not otherwise appropriated, instead of giving certificates for the amount thereof.

Part of act
recited
repealed.

And whereas The treasurer of this State, in pursuance of an act of the legislature entitled "An act for the relief of the creditors of this State," hath subscribed to the loan proposed by the congress of the United States by their act, entitled "An act making provision for the debt of the United States" all the continental paper then in the treasury of this State, and received certificates for the amount thereof according to the said act of congress which certificates, except such as the said treasurer has exchanged according to the directions of the said act entitled "An act for the relief of the creditors of this State" as well as the certificates for stock transferred to the said treasurer for the use of this State by the creditors of this State, upon the said exchanges, now remain in the treasury of this State. Therefore

Be it further enacted by the authority aforesaid, That it shall be lawful for the said treasurer, and he is hereby directed, to deposit all the said certificates now in the treasury, except such as it may be necessary for him to keep to exchange according to the direction of the said act entitled "An act for the relief of the creditors of this State" and all such other certificates for stock belonging to this State, as he may from time to time receive in the bank of New York, with a power of attorney from him to the president, directors and company of the bank of New York to receive the interest thereon as the same may become due for the use of this State, and to pay the said interest to the said treasurer on demand. And the said treasurer shall take receipts for all such certificates so to be deposited in the bank, expressing that the same certificates are the property of this State, and are deposited in the bank for the use of this State; and that the president, directors and company of the bank of New York will from time to time receive the interest thereon as the same shall become due, and pay the same to the treasurer of this State for the use of this State without any charge whatever to this State or to the said treasurer.

Certificates
to be de-
posited in
bank of
New York.

CHAP. 59.

AN ACT for dividing the several towns therein mentioned.

PASSED the 10th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all that part of the town of Cherry Valley, lying east of the line to be drawn, beginning at the south west corner of a tract of land, formerly granted to John Lyne, and running from thence in a direct course to the house where Joshua Tucker now resides, from thence in a direct course to the easternmost line of the second allotment of a tract of land known by the name of Belvidere patent, from thence to a certain hill, known by the name of Grovers hill, then south

Erection
of towns;
Dorlach.

to the town of Harpersfield, thence along the north bound of Harpersfield and the north boundaries of the counties of Albany and Montgomery, to the place of beginning, shall be, and is hereby erected into a town by the name of Dorlach, and that the first town meeting shall be held, at the house of William Beekman Esquire in the said town.

Franklin. *And be it further enacted,* That all that part of the town of Harpersfield, lying south of a line to be drawn, beginning at the south easterly bank of the river Susquehannah, from thence running a south easterly course to the north west corner of a tract of land formerly granted to Henry White and others, thence, running on the north east line of Whites-Borough, until it comes to the Cachquago branch of the river Delaware, thence down the said river to the line of property, thence along the said line of property, until it comes to the river Susquehannah, opposite to the river Unadilla, thence up the said river Susquehannah, to the place of beginning, shall be and hereby is erected into a town, by the name of Franklin, and that the first town meeting shall be held at the house of Sluman Wattles Esquire, in the said town.

Unadilla. *And be it further enacted,* That all that part of the town of Otsego, contained in the following bounds, to wit, beginning at the Susquehannah river where the patent granted to John Christopher Hartwick begins, and runs from thence along the south bounds thereof, and the south bounds of a tract of land granted to George Croghan, and the same continued to the Unadilla river, thence down the same, and up the Susquehannah to the place of beginning, is hereby erected into a separate town, by the name of Unadilla, and the first town meeting in the said town, shall be held at the house now occupied by Eastwood Allen in the said town.

Otsego. *And be it further enacted,* That all that part of the town of Otsego, contained in the following bounds, to wit, beginning at the south east corner of John Christopher Hartwicks patent, thence along the west bounds thereof, and the same line continued until it strikes lake Canaderaga, thence up the lake to the county of Herkemer, thence east by the county of Herkemer to the town of Cherry Valley, thence southwardly by the town of Cherry Valley, to the town of Unadilla, thence by the town, now called Otsego, to the place of beginning, is hereby erected into a separate town by the name of Otsego, and that the first town meeting in the said town, shall be held at the court house of the county.

Burlington *And be it further enacted,* That all that part of the town of Otsego, contained in the following bounds, beginning at the south east corner of John Christopher Hartwicks patent, and runs thence westwardly by the town of Unadilla, to the Unadilla river, thence up the river to the farm of Captain Edmiston, thence by the south boundaries of Schuyler patent, and the same continued to the west line of Otsego, thence southwardly by the same to the place of beginning, is hereby erected into a separate town, by the name of Burlington, and that the first town meeting in the said town, shall be held at the house of John Johnston.

Richfield. *And be it further enacted,* That the remainder of the town of Otsego, is hereby erected into a separate town by the name of Richfield, and that the first town meeting of the said town, be held at the house now occupied by John Van Cliff.

Steuben. *And be it further enacted,* That all that part of Whites-Town in Herkemer county, bounded as follows, to wit, beginning at the mouth of the Nine Mile creek, and running thence north easterly to the north east corner of Hollands patent, thence northerly along the east bounds of a tract of land, granted to Baron de Steuben, to the north east corner

thereof, thence a due north course to the north bounds of this State; and from the said place of beginning at the mouth of the said creek, due west to the line of the Oneida reservation, thence north westerly along the same to Fish creek, thence due north to the north bounds of this State, is hereby erected into a separate town, by the name of Steuben, and that the first town meeting in the said town, shall be held at the house of Seth Ranney near Fort Stanwix.

And be it further enacted, That all that part of Whites-Town, contained within the following bounds vizt, beginning at the said line of the Oneida reservation, where the line of the last mentioned town crosses the same, running thence southerly and westerly, along the said reservation line, until it comes opposite to the south westerly corner of a tract of land granted to Abraham Wemple, thence along the southerly line of the said last mentioned tract, to the old line of property, thence northerly, at right angles with the said line of property, until it meets the Oriscany-creek, thence down the said creek to the south bounds of the Oriscany patent, thence north-westerly parallel to the old line of property, to Steuben town, be erected into a separate town, by the name of Westmoreland, and that the first town meeting in Westmoreland, be held at the house of James Deane in the said town. Westmoreland.

And be it further enacted, That all that part of Whites-Town contained within the following bounds vizt. beginning at a bridge called Stillmans bridge, on the Oriscany creek, thence running south easterly to the dwelling house of Joseph Fairwell, being on lot number eighty in the seventh division of Cox's patent, not including the said house; thence southerly in a direct line until it meets the road called the New Hartford road, where the said road crosses a creek a few rods westerly from the dwelling house of Samuel Wells, thence southerly on a direct line to the south west corner of lot number seven, in the eleventh division of Cox's patent aforesaid, thence a due east course to the line of German Flatts town, thence south along the same to the line of Tioga county, thence west by the line of Tioga county, to the west line of the twenty townships lately sold by the State, thence north to the line of the Oneida reservation, thence along the said last mentioned line, to the town of Westmoreland aforesaid, thence north easterly along the line of the last mentioned town to the place of beginning, be erected into a separate town by the name of Paris. Paris. And that the first town meeting in Paris town shall be held at the dwelling house of Moses Foote Esquire.

And be it further enacted, That all that part of Whites-Town aforesaid, bounded east by the east bounds of the Military Tract (so called) and a line drawn north from the mouth of Connisserago creek, across the Oneida lake, to lake Ontario, south by Tioga county west by the west bounds of the townships Homer, Tully, Marcellus, Camillus Lysander, and Hannibal, of the said Military Tract, and north by lake Ontario, be erected into a separate town by the name of Mexico; and that the first town meeting in the said town of Mexico shall be held at the house of Benjamin Moorehouse. Mexico. And that all that part of Whites-Town aforesaid bounded east by the town of Mexico, south by Tioga county, west by Ontario county, and north by lake Ontario, be erected into a separate town by the name of Peru, and that the first town meeting in the said town of Peru, shall be held at the dwelling house of Seth Phelps Esquire. Peru. That all the remaining part of the said town of Whites-town be and remain a town by the name of Whites-Town, and that the first town meeting in the said town be held at the dwelling house of Jedediah Sanger Esquire. Whites-town.

And be it further enacted, That all that part of Herkemer town, bounded as follows, to wit, beginning on the middle line in Glens purchase on the Norway.

division line of Montgomery and Herkemer counties, running thence westerly along the said middle line of Glens purchase, to the south west corner of lot number seven, thence northwardly to the north east corner of lot number five in the said purchase, from thence westerly along the line between lot number five, and lot number six, in a direct course to the West Canada creek, thence up the said creek, to the first great falls thereof, thence on a direct line to the south east corner of a tract of land granted to Baron de Stuben, thence northerly along the east bounds of the said tract of land to the north east corner thereof, and thence northerly to the north bounds of this State, thence along the said north bounds of the State to the northwest corner of the county of Clinton, thence along the northwesterly lines of the counties of Clinton Washington and Montgomery, to the place of beginning, shall be formed into a separate town, and known by the name of Norway; and that the first town meeting shall be held at the house of William Whipple in the said town. And that all that part of the said town of Herkemer, beginning on the little falls in the West Cannada creek, and running thence southerly on a direct line to the north east corner of a tract of land called Cosses patent, thence along the eastern line of the said last mentioned tract of land to the river Mohawk, thence up the said river to the Nine Mile creek, thence north-easterly with a direct line to the north east corner of a tract of land granted to the Baron de Stuben, thence on a direct line to the great falls in the West Canada creek, thence down the said creek to the place of beginning, shall be formed into a separate town by the name of Schuyler; and the first town meeting shall be held at the house of George Weber junior in the said town. And all the remainder of the said town of Herkemer shall be and remain a town by the name of Herkemer, and the first town meeting in Herkemer town, shall be held at the house of Joseph Myers in the said town.

Schuyler.

Herkemer.

New-Town.

And be it further enacted, That the town of Chemung in Tioga county, shall be and is hereby erected into two separate towns, in the following manner vizt. all that part of the town of Chemung lying east of the pre-emption line, and west of a line drawn north and south from the middle of the bridge that crosses Baldings mill creek, to the north and south lines of Tioga county, shall be one separate town by the name of New-Town, and that the first town meeting shall be held at the house of Dunn and Hornel in the said town.

Chemung.

And be it further enacted, That all the remaining part of the town of Chemung, lying east of New-Town, and west of the town of Owego, shall be one separate town, by the name of Chemung, and that the first town meeting in Chemung shall be held at the house of William Wynkoop.

Fairfield.

And be it further enacted, That all that part of the town of Queensbury, in the county of Washington, beginning at the south west corner of the lands granted by the ancient letters patent of the said town, and running thence north along the west line of the lands granted by the said letters patent, and continuing a north line until it intersects a west line from Fort George at the south end of Lake George, thence west on the last mentioned line, to the river Hudson, then down along the same to the place of beginning, shall be and hereby is erected into a distinct and separate town by the name of Fairfield, and that the first town meeting in Fairfield shall be held at the dwelling house of Silas Dibble.

Thurman.

And that all that part of Queensbury, beginning at a creek called McAulys creek, near the south end of Lake George, and running thence on a direct line to the north east corner of Fair-field, thence west along the north line thereof to the river Hudson, thence along the

north bounds of Saratoga county, to the east line of Herkemer county thence along the east line of Herkemer county to Clinton county, thence east along the south line of Clinton county, to lake George, thence southerly along the west banks of the said lake to the place of beginning, shall be and is hereby erected into a separate town, by the name of Thurman; and that the first town meeting shall be held at the dwelling house of Richard Thurman in the said town. And that the remaining part of the town of Queensbury, be, and remain the town of Queensbury; and that the first town meeting in Queensbury, shall be held at the house where the last town meeting was held in the said town.

And be it further enacted, That all that part of Middletown in Ulster county, south by a line beginning in the middle of the river Delaware, on the division line between the great lots number thirty seven and number thirty eight in the Hardenbergh patent, and running on the said line south easterly to the north west corner of a tract of land belonging to Jacob Tremper, then along his bounds, southerly to Paghkataghkan Kill, thence the same course continued to the division line between the great lots number five, and number six, in the said Hardenbergh patent, thence south-easterly along the said last mentioned line, to the bounds of the town of Rochester, shall be and is hereby erected into a separate town, by the name of Colchester; and the first town meeting in Colchester, shall be held at the dwelling house of Lazarus Sprague. And that all the remaining part of Middletown, north of the said before described lines, shall be and remain a separate town, by the name of Middletown, and that the first town meeting in Middletown shall be held at the house of Simeon Van Waggenen.

And be it further enacted, That all that part of the town of Woodstock, in the county of Ulster, bounded west by the west bounds of the county of Ulster, south by the north bounds of Middletown, east by a line to begin on the said north bounds of Middletown, two miles east of Papachton river, and running northerly to a monument number seventeen, at the head of the said Papachton river, and thence continuing the same course northerly, until it meets the line of Albany county, and thence northerly along Albany county, shall be erected into a separate town, by the name of Stamford, and that the first town meeting in Stamford, shall be held at the house of Peter Knapp. And that all the remaining part of the said town of Woodstock shall be and remain a separate town, by the name of Woodstock; and that the first town meeting in Woodstock shall be held at the house of the late Elias Hasbrouck deceased.

And be it further enacted, That all that part of the town of Rensselaerwyck, which lies north of a line to be drawn, from a point on the east bank of the river Hudson, eight miles distant from the south west corner of the town of Rensselaerwyck, and running from thence east, to the west bounds of Stephentown, shall be and is hereby erected into a separate town, by the name of Greenbush; and that the first town meeting in Greenbush shall be held at the dwelling house of Abraham M. De Forest, in the said town. And that all the remaining part of the town of Rensselaerwyck, shall be, and remain a separate town by the name of Rensselaerwyck; and that the first town meeting in Rensselaerwyck, shall be held at the dwelling house of John I. Miller in the said town.

And be it further enacted, That all the towns herein before mentioned to be divided, shall be considered as divided from and after the first Monday in April next, and that the freeholders and inhabitants of the

Queensbury.

Colchester.

Middletown.

Stamford.

Woodstock.

Greenbush.

Rensselaerwyck.

Powers and privileges of towns.

said towns respectively, shall be and hereby are empowered to hold town meetings, and elect such town officers, as the freeholders and inhabitants of the other towns of this State elect by a law entitled "An act for dividing the counties of this State into towns passed 7th March 1788; and that the town officers to be by them elected, shall have the like powers and privileges, as the freeholders and inhabitants and town officers of any other town in this State, may exercise by the law aforesaid.

Poor and
poor mon-
ey. how
divided.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose, by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns, previous to the division thereof, between the said former towns and the towns erected by this act into separate towns, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor, as aforesaid, then and in such case, the supervisors of the counties in which such towns shall severally be, shall at their next meeting apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them most just and equitable; and the said towns shall thereafter respectively maintain their own poor.

CHAP. 60.

AN ACT for laying out repairing and improving, certain public roads and highways within this State.

PASSED the 10th of April, 1792.

Commis-
sioners for
erecting
bridges and
improving
highways.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That for erecting and constructing the bridges and improving the roads or highways herein after specified, in the western district of this State, William North, Silas Talbot and Theodorus V. W. Graham, or any two of them, shall be, and they are hereby appointed a board of commissioners. That Peter Van Ness John Williams and John Knickerbacker junior, or any two of them, shall be, and they are hereby appointed a board of commissioners for the like purposes in the eastern district of this State; that Isaac Van Wyck, James Clinton and Seth Mervin, or any two of them, shall be, and they are hereby appointed a board of commissioners for the like purposes, in the middle district of this State. That Philip Van Cortlandt, Ebenezer Stephens and Ebeneser Purdy or any two of them, shall be and they are hereby appointed a board of commissioners for the like purposes, in the southern district of this State.

Work to be
done by
contract;
manner of
doing work

And be it further enacted, That the bridges to be erected and constructed, and the roads to be improved under the care and inspection of the said boards of commissioners respectively, in the districts for which they are respectively appointed, shall be erected, constructed and improved, by contract, in every case where contracts can be made, and where no contracts can be made, in such manner, as to the said several boards of commissioners shall appear most eligible, and best calculated to promote the public interest. That the piers of every bridge herein after particularly specified, to be erected and constructed pursuant to this act, shall be made of stone masonry, and shall be covered with

timber or plank, of at least four inches thick, with a strong rail work on each side thereof; and that the roads herein after particularly specified to be improved, shall have the beds thereof filled with stones arch wise, (where stones can be obtained) and covered with gravel or pebbles, to the thickness of eighteen inches at least, and with a ditch of sufficient breadth and depth on each side, to carry off water, with water courses under the road where needful, to drain the water out of the ditches; and every such improved road shall be at least twenty five feet wide, from the inside of one ditch, to the inside of the other ditch.

And whereas some of the bridges to be erected, and roads to be improved in each of the said districts, are more immediately necessary than others. Therefore,

Be it further enacted, That the said boards of commissioners, in the districts for which they are respectively appointed, shall erect such of the said bridges and improve such of the roads as are herein after specified, as to a majority of them shall appear will be most immediately necessary, and tend most to promote the object of this act, and then proceed to the others, until the several sums of money appropriated for the purposes aforesaid, in each district, shall be expended.

Order of making improvements.

That each of the said commissioners before he enters on the duties by this act enjoined on him, take and subscribe an oath before the chancellor, or one of the judges of the supreme court, or one of the judges of the court of common pleas, in any county where such oath shall be made, which oath shall be in the words following. "I do solemnly and sincerely promise and swear, that I will in all things to the best of my knowledge and understanding, well and faithfully execute the trust reposed in me, by the act entitled "An act for laying out repairing and improving certain public roads and highways within this State;" and that I will not out of favor or partiality to any person or persons, give my vote for first erecting any particular bridge, or for improving any particular road, other than such as I shall honestly and sincerely deem ought to be first attended to."

Oath to be taken.

And be it further enacted, That the particular bridges to be erected and constructed, and the particular roads or parts of roads to be improved under the direction of the said boards of commissioners respectively, shall be as follows, to wit, in the western district, a bridge over the Schoharie creek, at any place they may think most advisable, between the north bounds of the farm now occupied by Oliver Hills, and the north bounds of the farm now occupied by Degroot, in the town of Duanesburgh; the improving and repairing the public road or highway, leading from the city of Albany, to begin at the house of Isaac Truax junior, and continue through Duanesburgh to Cherry Valley, and from thence to the outlet of Lake Otsego, in the county of Otsego; the building and erecting a bridge over the Mohawk river, below the Cohoes or Great Falls on the said river, at such place as the said commissioners shall deem proper:

Particular work to be done; western district

Provided always, That no greater sum than three thousand pounds shall by the said commissioners be appropriated to the said bridge, nor shall the said commissioners contract for, or otherwise attempt to erect and construct the said bridge, until they shall by subscription, or other voluntary donation, have received the further sum of one thousand pounds; the improving and repairing the public road or highway, on the north side of the Mohawk river, leading from the ferry at the town of Schenectady, in the county of Albany, to the summit of Tripes Hill, in the county of Montgomery; the building and erecting a bridge over the East Canada creek, nearly opposite Canajoharie Castle, on the pub-

Proviso as to Cohoes bridge.

Eastern
district.

lic road or highway leading from Tripes Hill, aforesaid, to the Little Falls in the county of Montgomery; the building and erecting a bridge over the West Canada creek, on the public road or highway leading from the Little Falls aforesaid, to Fort Stanwix; the improving and repairing the public road or highway from the south bounds of the city of Albany, to the north bounds of the county of Ulster; and erecting bridges over the creeks on the said road; to build and erect a bridge over the Owego creek, near the mill belonging to James McMaster, in the town of Union, in Tioga county; to erect and build a bridge over the Schoharie creek, at such place as they shall think advisable, between the house of Asa Waterman, in Mohawk town, and the first falls in the said creek; for building and erecting a bridge over Catts Kill, on the road leading from Cats Kill landing, to the Schoharie Kill; to lay open and improve the road, from the ninety mile stone, to the painted post in the county of Ontario, and from thence to continue the same, to the east line of the county of Ontario; and erecting a bridge over the Saccondaga Branch, near the river Hudson. In the eastern district, the building and erecting a bridge on the public road or highway over Kenderhook creek, in the town of Kenderhook, in the county of Columbia; the erecting of a bridge a cross Batten Kill in Washington county, at or near the dwelling house of Stanton Tift in Easton, and laying out and repairing the road leading from the said bridge to the east part of Argyle, and to Salem, so as to avoid the hill commonly called Campbells Hill; the building and erecting a bridge over the Schompamack creek, in the town of Claverack, near the now dwelling house of Henry Muller; to build and repair the bridges in the road, and repair the road from Jeremiah Landon's store, in the eastern bounds of Stephen Town, in the county of Rensselaer, to Schodock at the river Hudson; to repair the public road and bridges between the house of Jacob Overacker, and the bridge known by the name of Chaces bridge, in the county of Rensselaer; to erect a bridge over Tomhenick creek, at or near the place where the old bridge now stands, on the public road leading through the lands of Joseph Kline, in the county of Rensselaer; to repair the cause way at and near the said bridge; to amend and repair the said public road, leading from the said bridge, to the bridge over Hosick river, at Sanchoyk; to repair the bridges and road leading from the white house at Hosick river, in the town of Hosick, to Troy, between the said white house and Ellices tavern, in Pitts Town, in the county of Rensselaer; for erecting bridges, and laying out and repairing roads in the county of Clinton, from the north end of Lake George to the north line of this State; the building a bridge over Hosick river, near the house of Martin Buskirks, in the town of Cambridge in the county of Washington, and repairing the roads and bridges, leading from the house of Joseph Caldwell in Kingsbury, to the south end of Lake Champlain; a bridge over the Schamkamack creek, near the house of James Van Rensselaer. In the middle district, to lay out and improve the post road from the south bounds of the county of Dutchess, as far north as the south bounds of the town of Fish Kill, to make such alterations in the direction thereof as the said commissioners or a majority of them, shall deem for the benefit of the public; to erect a bridge on the post road or highway nearest Hudsons river, over Wappingers creek, in the county of Dutchess, at such place as they shall judge best; and they are hereby authorized and empowered, to make such alterations in the post road, on each side of the said bridge, as may become necessary, if the said bridge shall be fixed at any other place, than where the bridge over said creek at present stands; to erect

Middle
district.

a bridge over the Ramapough creek, in some convenient place, at or near where the road leading from the house of Stephen Slott (in Orange county) towards New Windsor, crosses the said creek; to improve and repair the public road or highway, in the county of Orange, leading from the house of John Suffern at the mouth of the Ramapough Clove by Sterling furnace, and across the mountains to the mill at Belle Vale, in the town of Warwick; to build and erect a bridge over the Schoharie creek, near the house of Jonas Laraway, in the town of Woodstock, in the county of Ulster, on the public road that leads from the river Hudson to the Susquehannah; to open a public road or highway from Cashechton, on the Delaware river, to Mama-Kating, or Peenpack in Ulster county, or to such other place, between these two last mentioned settlements, as the said commissioners may think proper, and most for the public good; to improve and repair the road or highway leading from the house of Henry Reynolds in Smith's Clove, along, by or near, the dwelling house of Archibald Cunningham, in the said Smith's Clove, in the county of Orange, to the dwelling house of Thomas Cooper, at the Indian Fields in the said county. In the southern district, to lay out and improve the post road from Kings bridge, through the county of West Chester, as far north as the south bounds of the county of Dutchess; and to erect a bridge over Croton river, in the said county of West Chester, at such place as the said commissioners shall deem proper; the building, erecting and keeping in repair, a bridge over Spyt den Duyvel creek, at or near Kings bridge, at such place as the commissioners shall think proper, and the repairing the post roads, on the island of New York, Long Island and Staten Island.

Southern district.

And be it further enacted, That it shall and may be lawful for the treasurer of this State, to pay unto the several boards of commissioners herein before appointed, on the warrant of his excellency the governor, or the person administering the government of this State for the time being, the several sums of money following, to wit. To the commissioners for the western district, the sum of nine thousand four hundred and fifty pounds; to the commissioners of the eastern district the sum of two thousand six hundred and fifty pounds; to the commissioners for the middle district, the sum of four thousand two hundred and fifty pounds, and to the commissioners for the southern district, the sum of three thousand six hundred and fifty pounds.

Appropriations for carrying this act into effect.

Provided always, That after the delivery of such warrants, the treasurer shall from time to time, pay such of the said monies, as the boards of commissioners shall respectively draw for, but no such payments shall be made, until all the appropriations made at this session, shall be previously satisfied.

And be it further enacted, That the several boards of commissioners herein before appointed, shall in every case, where an alteration shall be made, or become necessary to be made, to carry the intent of this act into effect, in the direction of any public road or highway, be governed by and pursue the directions, of the act entitled "An act for the better laying out and keeping in repair the public highways and private roads, in the county of West Chester" as far as relates to the breadth of such public road or highway, and the compensation to be made to individuals whose estates may be affected thereby.

Manner of proceeding by commissioners.

And be it further enacted, That each of the said commissioners shall be entitled to receive for their services, the sum of sixteen shillings for every day they shall be respectively employed in the said business, to be paid by the county in which they shall be so employed, and to be raised, levied and paid, together with, and in the same manner, as the

Compensation of commissioners.

necessary and contingent charges of such county, are raised, levied and paid; and that the said commissioners shall account with the auditor of this State, for the monies they shall respectively receive from the treasurer of this State, by virtue of this act.

Appropriation to Edward Paine for laying out road.

And be it further enacted, That the treasurer of this State be, and he is hereby directed to pay to Edward Paine, for his trouble and expense in opening a road from the head of the Lake Cayuga, to the mouth of the Owego branch of the river Susquehannah, the sum of two hundred and thirty pounds.

CHAP. 61.

AN ACT to incorporate the stock-holders of the bank of Albany.

PASSED the 10th of April, 1792.

Preamble.

WHEREAS Abraham Ten Broeck and others, associated in a company, under the stile of "The President Directors and Company of the Bank of Albany," by their petition presented to the legislature, have prayed for the privilege of being incorporated. Therefore,

Bank of Albany incorporated

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all such persons as now are, or hereafter shall be stock-holders of the said bank, shall be, and hereby are ordained, constituted and declared to be, and continue until the second Tuesday in May, which will be in the year of our Lord one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of "The President Directors and Company of the Bank of Albany;" and that by that name, they and their successors until that day, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors, may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors by the same name of "The President Directors and Company of the Bank of Albany," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation.

Stock, amount and number of shares.

And be it further enacted, That a share in the stock of the said bank, shall be four hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares, exclusive of any share that may be subscribed on the part of the State, shall not at any time exceed six hundred; and subscriptions may be kept open, under the direction of the president and directors of the said bank, until the said number of shares be filled; and the whole amount of the stock, estate and property which the said corporation shall hold, including the capital stock or shares above mentioned, shall never exceed in value two hundred and sixty thousand dollars.

Affairs of bank to be managed by thirteen directors; elections.

And be it further enacted, That the stock, property and concerns of the said corporation, shall be managed and conducted by thirteen directors, stockholders, and citizens of this State, who shall hold their offices for one year, nine of whom shall be residents of the city of Albany; and the said thirteen directors, shall be elected on the second Tuesday of May in every year, at such time of the day, and at such place in the city of Albany, as a majority of the directors for the time being shall

appoint; and public notice shall be given by the said directors, not less than sixty days previous to the time of holding the said election; and the said election shall be held and made by such of the stockholders of the said bank, as shall attend for that purpose, in their proper persons or by proxy; and all elections for directors shall be by ballot; and the thirteen persons who shall have the greatest number of votes at any election, shall be the directors, (except as is herein after directed); and if it should happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorized to vote at such election, shall proceed to ballot a second time, and by plurality of votes, determine which of the said persons so having an equal number of votes, shall be the director or directors, so as to compleat the whole number of thirteen; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and three of the directors which shall be chosen in any year, excepting the president, shall be ineligible to the office of director for one year after the expiration of the time for which they shall be chosen directors; and in case a greater number than nine of the directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of all such person or persons above the said number, having a less number of votes than the said nine persons so elected as aforesaid, shall be considered as void, and such other of the stockholders as shall be eligible, and have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible as aforesaid: And the president for the time being, shall always be eligible to the office of director; but stockholders not residing within the city of Albany aforesaid, shall be ineligible to the office of president: And if any of the said nine directors, to be resident in the city of Albany aforesaid, shall remove out of the said city, or any other of the said directors shall remove out of this State, the office of such director shall be considered as vacant: And if any vacancy or vacancies shall at any time happen among the directors, by death resignation or removal, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as is herein before directed respecting annual elections, at such time and place in the city of Albany, as the remainder of the directors for the time being, or the major part of them shall appoint: And the first directors shall be Philip Schuyler, Abraham Ten Broeck, Stephen Van Rensselaer, Goldsbrow Banyar, Stephen Lush, Jeremiah Van Rensselaer, Cornelius Glen, Daniel Hale, James Caldwell, John Stevenson, John Maley, Albert Pawling and John Sanders, and shall hold their offices until the second Tuesday of May next.

First
directors.

And be it further enacted, That in case it should at any time happen, that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Failure to
elect not
to forfeit
charter.

And be it further enacted, That each stockholder, at elections, and on all other questions, shall be entitled to the number of votes proportioned to the number of shares which he or she shall have held in his or

Rights of
stockhold-
ers in vot-
ing.

her name, according to the following ratio, that is to say, one vote for every share, not exceeding four, five votes for six shares, six votes for eight shares, and one vote for every five votes* above ten; but no person, copartnership or body politic, shall be entitled to more than fifteen votes; and no stockholder, unless actually resident within the United States, shall vote at elections or on any other occasion by proxy.

Dividends,
when to be
made.

And be it further enacted, That it shall be the duty of the directors, to make a dividend of so much of the profits of the said bank, as to them or a majority of them shall seem advisable, on the second Tuesday of May one thousand seven hundred and ninety three, and thereafter to make half yearly dividends, of so much of the profits of the said bank, as to them or a majority of them shall seem advisable.

General
meetings
of stock-
holders.

And be it further enacted, That a general meeting of the stockholders may be called, whenever the directors, or a majority of them, or a number of stockholders, not less than twenty, who together shall hold not less than one hundred shares, shall judge proper; of which meeting the directors or stockholders calling it, shall give at least four weeks notice in one of the public gazetts printed in the city of Albany, and specify in such notice, the object or objects of the said meeting.

Subscription
to stock by
the State.

And be it further enacted, That this State shall have a right to subscribe any number of shares to the said bank, not exceeding in the whole the number of fifty, at any time when they shall by law authorize any person or persons for that purpose; and the State shall have a right to increase the number of shares and stock which the said corporation may hold, to the amount of the number of shares so to be subscribed if the number of shares herein before limited shall be subscribed before such subscription shall take place on the part of the State.

Bonds by
cashier
and clerks.

And be it further enacted, That every cashier and clerk, before he enters into the duties of his office, shall give bond, with two or more securities, to the satisfaction of the directors, such cashier in a sum not less than ten thousand dollars, and each clerk in a sum not less than two thousand dollars, with condition for the faithful discharge of his duty.

Rate of
interest.

And be it further enacted, That the said corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

Directors,
relating to.

And be it further enacted, That no president or other director, shall be entitled to any emolument for their services, and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or absence, in which case the directors present may choose a chairman pro hac vice. And that there shall be quarterly meetings of the said directors, at such times in the year as shall be appointed by the bye laws of the said corporation.

By-laws,
making of.

And be it further enacted, That the directors shall have power to make and prescribe such bye laws, rules and regulations, as they shall judge proper, touching the duties and conduct of the officers and servants employed therein, and such other matters as appertain to the said bank; and shall have also power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet.

Debts of
bank limited.

And be it further enacted, That the total amount of the debts which the said corporation shall at any time owe by bond, bill, note or other

* So in original.

contract, over and above the specie then actually in the bank, shall not exceed three times the sum of the capital stock subscribed and actually paid into the bank; and in case of such excess, the directors under whose administration it shall happen, shall in case of loss, be liable for the same, in their natural and private capacities; but this shall not be construed to exempt the said corporation, or any estate real or personal which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said directors, who may have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted, may respectively exonerate themselves from being liable, by giving immediate notice of the fact, and of their absence or dissent, to the stockholders at a general meeting, to be called for that purpose.

And be it further enacted, That the lands, tenements and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business or such as have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts. And the said corporation shall not directly or indirectly, deal or trade, in buying or selling any goods, wares, merchandize or commodities whatsoever, or in buying or selling any stock, created under any act of the United States, or of any particular state, unless in selling the same when truly pledged to it by way of security, for debts due to the said corporation.

Right to hold real estate restricted.

Limitation as to business.

And be it further enacted, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books to be kept for that purpose, by the directors, and unless the person making the same, shall previously discharge all debts due by him or her to the said corporation.

Transfers of stock.

And be it further enacted, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereon, and so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees successively, and, to enable such assignee or assignees, to bring and maintain an action thereupon, in his her or their own name or names; and bills or notes which may be issued by the said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his her or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Bills and notes, how transferred

And be it further enacted, That this present act of incorporation, shall in no wise be forfeited, for any non user whatsoever, at any time before the second Tuesday of June next; and that it shall on that day be lawful for the stockholders of the said bank, to assemble for the purpose of carrying the same into effect, any want of notice in the manner above prescribed, to the contrary notwithstanding.

Act not to expire by non-user before June, 1792.

And be it further enacted, That this act be, and is hereby declared to be a public act; and that the same shall be construed in all courts and places benignly and favourably for any beneficial purpose thereby intended.

Act declared a public act.

CHAP. 62.

AN ACT to prevent the pernicious practice of stock jobbing, and for regulating sales at public auctions.

PASSED the 10th of April, 1792.

Auction-
eers in New
York city.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the person administering the government of this State, for the time being, by and with the advice and consent of the council of appointment, to appoint such and so many vendue masters or auctioneers, in and for the city of New York as they shall judge necessary; *provided*, that their number shall not at any one time, exceed twenty four, any thing in any law to the contrary notwithstanding.

Public
securities
not to be
sold at
auction.

And be it further enacted, That it shall not be lawful for any person, or persons whomsoever, to sell and dispose of any public securities or stock, created under the acts of Congress of the United States, or of any individual State, at public vendue or out cry, within the State of New York, from and after the first day of May next, under the penalty of one hundred pounds for each offence, to be recovered by any prosecutor, or by the attorney general, in the manner herein after directed.

Stock job-
bing and
deals in
futures
prohibited.

And be it further enacted, That all contracts written or verbal, public or private, made after the passing of this act, for the sale or transfer, and all wagers concerning the prices, present or future, of any certificate or evidence of debt, due by, or from the United States, or any separate State, or any share or shares of the stock of the bank of the United States, or any other bank, or any share or shares of the stock of any company, established or to be established, by law of the United States or any separate State, shall be, and all such contracts are hereby declared to be absolutely null, void and of no effect: And both parties are hereby discharged from the lien and obligation of such contract or wager, unless the party contracting to sell and transfer the same, shall at the time of making such contract, be in the actual possession of the certificate, or other evidence of such debt or debts, share or shares, or be otherwise entitled in his own right, or duly authorized and empowered, by some persons so entitled, to transfer the said certificate, evidence, debt or debts, share or shares, so to be contracted for; and the party or parties who may have paid any premium, differences, or sums of money, in pursuance of any contract hereby declared to be void, shall and may recover all such sums of money, together with damages and costs, by action on the case on assumpsit, for money had and received to the use of the plaintiff, to be brought in any court of record.

Auction-
eers not to
sell certain
goods.

And be it further enacted, That no licensed vendue master or vendue masters, auctioneer or auctioneers, or any other person or persons whatsoever, shall on the day and place when they shall respectively hold their public vendues, sell or dispose of at private sale, any goods, wares or merchandizes, liable to a duty by the laws of this State, under the like penalty for every such offence, as is mentioned in the thirteenth section of the act, entitled "An act for the regulation of sales by public auction," passed the twentieth of February one thousand seven hundred and eighty four, to be recovered by any person or persons who shall prosecute for the same, the one half thereof, when so recovered, to be paid to the treasurer for the use of the people of this State, and the other half to the use of the person or persons who shall sue for the same.

And be it further enacted, That no person hereafter shall expose to sale at public out cry or vendue, any goods, wares merchandize or effects, on which a duty is laid by the act, entitled "An act to amend an act, entitled an act for the regulation of sales by public auction," as a deputy to any licensed auctioneer or vendue master, or otherwise, under the penalty of one hundred pounds for each offence, to be recovered by any person suing for such forfeiture, by bill, plaint, or information, in any court having cognizance of the same, the one moiety of such penalty, to be for the use of the people of this State, and the other moiety to the person who shall sue for the same.

No person to sell certain goods as deputy to any licensed auctioneer.

Provided always, That any vendue master may employ his copartner in trade, or one of his clerks to hold such vendue, in case of his sickness or inability to attend, he being accountable for the conduct of such copartner or clerk.

Proviso as to sickness, etc., of auctioneer.

And be it further enacted, That if no person or persons shall, within seven days after any offence shall be committed against this or any other act, regulating sales at public auction within this State, prosecute for the penalties therein mentioned, it shall be lawful for the attorney general to prosecute for the same, which penalties when recovered, shall be paid to the treasurer, to and for the use of the people of this State.

Prosecutions, by whom commenced.

CHAP. 63.

AN ACT for the support of government.

PASSED the 11th of April, 1792.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That from and after the first day of July next, there shall be allowed to the several officers of government, hereafter mentioned the following annual salaries.

Annual appropriation bill.

To the person administering the government of this State for the time being, the sum of fifteen hundred pounds.

Governor.

To the chancellor, the sum of eight hundred pounds.

Chancellor.
Supreme court.

To the chief justice, the sum of eight hundred pounds. And,

To each of the other judges of the supreme court, the sum of seven hundred and fifty pounds: But this provision shall not be construed to extend to any judges of the said court, that may be appointed after their number shall amount to five.

To the treasurer the sum of eight hundred pounds.

Treasurer.

To the secretary, for attending the legislature for the purpose of receiving the laws, for attending the council of appointment, and in lieu of all the fees for issuing commissions to officers of the militia, the sum of one hundred and fifty pounds.

Secretary.

To the attorney general the sum of eight hundred pounds.

Attorney-general.
Private secretary.

To the private secretary of the person administering the government of this State for the time being, the sum of one hundred and twenty five pounds. And the said annual sums herein before specified, shall, from and after the first day of July next, be payable in equal quarterly payments at the treasury; and the first quarterly payment shall become due on the first day of October, and the second quarterly payment on the first day of January, and the third quarterly payment on the first day of April, and the fourth quarterly payment on the first day of July in every year; And the said several sums shall be computed as becoming

due to the said several officers, in proportion to the times for which they shall hold their respective offices. And the treasurer is hereby authorized to pay the said annual sums in quarterly payments at the treasury as aforesaid, to the several persons who may at any time hereafter hold any of the said respective offices, upon the receipt of a certificate signed by the person administering the government of this State for the time being, and under the privy seal of the State, certifying, that at the time when the last quarterly payment became due, the person in whose favor the certificate may be given, held the office for which he may demand a compensation, and that therefore he is entitled to such compensation, by virtue of this act. And if any such certificate shall contain, all or any number of the persons names, who may hold the said offices, it shall be considered by the treasurer as a sufficient voucher for the payment of the said annual sums as aforesaid, to the several persons in whose favor it may be given; and if any person or persons shall cease to hold any of the said offices, at any time between the times above prescribed for quarterly payments, such certificate or certificates shall specify the time when he or they may have respectively ceased to hold any of the said offices; but no such certificate shall be necessary, for the person administering the government of this State for the time being, but treasurer shall pay into his hands in quarterly payments, such sums as shall become due to him as aforesaid, without any such certificate; and may in like manner without any such certificate, retain in his own hands such quarterly payments as shall become due to himself by virtue of this act.

Fees of
judges
abolished.

And be it further enacted, That from and after the first day of July next, it shall not be lawful for the chancellor, or the judges of the supreme court, or any or either of them, to ask demand or receive, by virtue of the act, entitled "An act for regulating the fees of the several officers and ministers of justice within this State, or by virtue of any law or custom of this State, any fees or perquisites, for any thing to be done by them, or any or either of them, in virtue of their offices; the salaries herein before allowed to them, being intended as a full compensation for their services, in their respective offices.

Salaries of
State officers
for
present
year.

And be it further enacted, That on the first day of July next, the said officers shall each of them be allowed and paid for their respective services, during the present year, the following salaries, that is to say, the person administering the government, the sum of one thousand five hundred pounds; the chancellor the sum of six hundred pounds; each of the judges of the supreme court the sum of six hundred pounds, the treasurer the sum of eight hundred pounds; the attorney general the sum of six hundred pounds; the secretary for attending the legislature for the purpose of receiving the laws, and for attending the council of appointments, the sum of one hundred pounds, and the private secretary of the person administering the government of the State for the time being the sum of one hundred and twenty five pounds; which salaries the treasurer is hereby authorized to pay upon the receipt of a certificate or certificates of the like purport, and with the like exception of the names of the person administering the government of this State for the time being, and the treasurer, and signed and sealed in like manner as above prescribed; and the treasurer is hereby authorized in like manner as above directed, to pay to the person administering the government of this State for the time being, his said salary for the present year, and likewise to retain in his own hands the salary which will be due to himself for the present year, by virtue of this act, without any such certificate; and if any of the said officers shall cease to hold any of their respective offices, before the first day of July next, their said salaries shall

be computed as growing due to them for such time as they may hold the said offices respectively.

And be it further enacted, That for the present session, and at every session of the legislature in every year hereafter, the president of the senate and speaker of the house of assembly, shall each be entitled to receive thirty shillings for every day he shall attend in his station, and that each member of the senate and assembly, shall be entitled to receive twenty shillings, for every day he shall attend either of the said houses respectively; and the like compensation to the president of the senate, the speaker of the assembly, and to the other members of the legislature, for every thirty miles of the distance from the place of his residence, to the place of the meeting of the legislature; and such distance shall be estimated by the most usual road, and shall be computed both for travelling to, and returning from the place of their said meeting; and if any member of the senate or assembly, shall after his arrival at the place of their said meeting, be prevented by sickness from attending either of the said houses respectively, he shall be entitled to the like daily allowance as aforesaid, for every day he shall be so prevented; and the treasurer is hereby authorised to pay such sum as may so become due to each member respectively, upon the receipt of a certificate signed by the president of the senate, or the speaker of the assembly, as the case may be, setting forth the number of days that the member in whose favor it shall be given, may have attended either house respectively, and the estimated distance of his place of residence, from the place of the meeting of the legislature, and the sum or sums of money that may have become due unto him on that account. And the compensation which may so become due to the president of the senate, and the speaker of the assembly, shall be certified in the like manner, by the clerk of the senate, and the clerk of the assembly respectively.

Presiding
officers of
senate and
assembly;
members.

And be it further enacted, That for the present year, and in every year hereafter, there shall be allowed and paid to each of the clerks of the senate and assembly, the sum of thirty shillings per day, for their respective services during the sessions of the legislature; and also the amount of such sums of money as shall be advanced by them respectively, for the use of the senate and assembly, during their sessions, agreeably to such certificate thereof, as they shall respectively produce, certified by the president of the senate, or the speaker of the assembly, as the case may require; and in like manner there shall be allowed and paid to the sergeant at arms, and the door keepers of the senate and assembly, each the sum of sixteen shillings, for every day they shall attend the legislature, agreeably to such certificate thereof, as they shall respectively produce, certified by the president of the senate, or speaker of the assembly, as the case may require; which several compensations and sums of money, the treasurer is hereby authorized to pay, upon the receipt of the several certificates last above mentioned.

Officers of
the legis-
lature.

And be it further enacted, That for the present year, and in every year hereafter, the members of the council of appointment, for each day of their attendance in council, during the recess of the legislature, and for travelling from and to their respective places of residence, shall be entitled to the like compensation, as hath been before prescribed for the members of the legislature; and the treasurer is hereby authorized to pay the sums that may so become due to them respectively, upon the receipt of a certificate or certificates, signed by the person administering the government of this State for the time being, setting forth the number of days that they may have severally attended in council, and the dis-

Council of
appoint-
ment.

tance of their several places of residence from the place of their meeting, and the sums due to them severally on that account.

Miscellaneous
appropriations.

And be it further enacted, That the treasurer shall, for the present year, and in every year hereafter, pay the following sums to the persons herein after mentioned; to the person administering the government of this State for the time being, the sum of six hundred and forty pounds in specie, to be by him paid to the Oneida, Onondaga and Cayuga tribes of Indians; it being the amount of the annuities payable to them in pursuance of certain treaties heretofore concluded between them and commissioners appointed for that purpose, on the part of the State; and also such sums of money for incidental charges attending Indian affairs, as by warrant under his hand and the privy seal of the State, he shall draw from the treasury, not exceeding in the whole the sum of two hundred pounds in any one year. To the secretary of the State, for his services in recording the laws, for making copies thereof with marginal notes for the press, and making copies thereof, by the direction of the governor, or of the senate and assembly, and for engrossing the minutes of the council, of appointment, after the rate of one shilling and six pence per sheet, each sheet to consist of one hundred and twenty eight words; and for every commission of oyer and terminer and general gaol delivery, and general commission of the peace, issued in any year, the sum of twenty shillings, agreeably to such account thereof, as he shall produce, audited by the auditor of this State. And it shall be lawful for the treasurer to retain in his own hands, such sums of money as he shall necessarily expend in defraying the incidental charges of his office, agreeably to such accounts thereof as shall be audited by the auditor of this State.

Provided, That such sum or sums of money shall not in the whole, exceed the sum of five hundred pounds in any one year.

From what
monies
payable.

And be it further enacted, That the several sums of money directed to be paid annually by this act, shall for the present year, be paid out of any monies which may be or may come into the treasury; any law to the contrary notwithstanding; and from and after the first day of July next, shall be payable out of any revenue now arising, or that may hereafter arise, from any of the funded debt of the United States, belonging to the people of this State; or from any monies loaned by this State, in conformity to law, or from any revenue arising to the people of this State, in any manner whatever; and the said annual revenue, or so much thereof as shall be necessary for that purpose, shall from and after the first day of July next, be, and is hereby appropriated, for the purpose of paying the several sums of money, by this act directed to be paid.

CHAP. 64.

AN ACT to continue an act, entitled "An act granting a bounty on hemp, to be raised within this State."

PASSED the 11th of April, 1792.

Act recited
continued
in force.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the act entitled "An act granting a bounty on hemp, to be raised within this State," be, and the same is hereby continued in full force and virtue, to all intents and purposes; and that the bounty therein mentioned, shall be allowed and paid upon all

such hemp, as in the same act is described, which shall be raised within this State, and brought to the city of New York, before the first day of June, one thousand seven hundred and ninety five.

CHAP. 65.

AN ACT for the relief of John Van Rensselaer and others.

PASSED the 11th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer of this State; and he is hereby required, on making a settlement with the said John Van Rensselaer, to give him credit for the amount of such certificates, as shall appear to the said treasurer, to have been delivered by the said John Van Rensselaer or his agents, to the militia of the regiment commanded by colonel Peter Yates, and of which he was lieutenant colonel in the late war, for which he shall produce receipts or affidavits of such delivery or payment having been made, upon his entering into bond with sufficient security to the said treasurer, in such sum as the said treasurer shall deem sufficient, conditioned that the said John Van Rensselaer shall save and keep harmless this State, from any demands which shall or may be made against the said treasurer, for any services by him or them done as officers or privates, in the militia belonging to the said regiment, and for which the said John Van Rensselaer received the certificates as aforesaid.

Account of
John Van
Rensselaer,
settlement
of.

And be it further enacted That the relief intended by the preceding section of this act, to the said John Van Rensselaer shall be and is hereby extended to Philip P. Schuyler late a colonel of militia in the county of Albany.

Relief ex-
tended to
Philip P.
Schuyler.

And be it further enacted That the said treasurer shall, and is hereby required to stay further proceedings against the said John Van Rensselaer and Philip P. Schuyler for the term of six months from the time of the passing of this act.

Proceed-
ings stayed

And whereas It is represented to the legislature that Philip Pelton Benjamin Pelton and Daniel Pelton purchased from the commissioners of forfeitures for the middle district, a parcel of land in Dutchess county supposed to have become forfeited by the conviction of Tertullus Dickinson and that it has been since discovered that he never was convicted and that suits have been brought and are now depending for the recovery of the said lands. Therefore

Be it further enacted That the attorney general shall be and hereby is directed to examine into the matters aforesaid and if he shall find that the people of this State had no right to the said lands he shall give a certificate thereof and upon producing such certificate to the treasurer and conveying the right under the said conveyance from the said commissioners to the people of this State and delivering the same to the treasurer he shall pay to the present proprietor who now holds under the State the sum received by the said commissioners upon the said sale together with the costs accrued in the defence of the said suits.

Forfeited
estate of
Tertullus
Dickinson.

CHAP. 66.

AN ACT for the relief of Bass Chard, Samuel Hatch and others.

PASSED the 11th of April, 1792.

Preamble. WHEREAS Bass Chard, Samuel Hatch, William Lawrance, William Richardson Pliney Moore Stephen Kidder David Culver Samuel Foster Shadrick Doty and John Commell have, by their petition, presented to the legislature, set forth that they did with class right certificates, locate the isle La Mott in Lake Champlain late in the county of Washington containing four thousand eight hundred and eighty three acres for which location letters patent under the great seal of this State, issued the twenty seventh day of June, one thousand seven hundred and eighty six.

And whereas, The said isle La Mott is now ceded by this State, to the State of Vermont, and the title thereof become of no effect; Therefore

Letters
patent to
be issued
to divers
parties.

Be it enacted by the People of the State of New-York, represented in Senate and Assembly, That the commissioners of the land office, are hereby authorized and required to grant letters patent to the said Bass Chard, Samuel Hatch, William Lawrence, William Richardson, Pliney Moore, Stephen Kidder, David Colver, Samuel Foster Shadrick Doty, and John Commell or their assigns for four thousand eight hundred and eighty three acres of any of the unappropriated land belonging to the people of this State in lieu of the said isle La Mott. And in case they or either of them shall have sold and aliened the same, then to the person or persons to whom the same shall have been sold and to his or their heirs and assigns, and in order that the same may be known, public notice shall be given by the said persons above named, in the newspaper of the printer to this State, printed in the city of New York and in one other newspaper, printed in the city of Albany, for ten weeks successively, notifying all persons of an application for such patent, in lieu of the lands included in the said isle La Mott; and such patent as is directed in and by this act, shall not issue until such publication shall have been regularly made as aforesaid.

Proviso as
to release
of Isle
La Mott.

Provided, That the persons entitled to any part of the said isle La Mott under the said letters patent, shall respectively in due form of law convey to the people of the State of New York all his and their right title interest claim and demand of in and to the said isle La Mott, and deposit all the conveyances for the same in the office of the secretary of this State, before any letters patent shall issue to them respectively in virtue of this act."

And whereas It appears to the legislature, that John Reghtmire and Christian Petrie did purchase from the Indian proprietors a certain tract of land, previous to the late war on which they have made improvements, and now reside, for which lands they have no title. Therefore

Letters
patent to
John
Reghtmire
et al.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the commissioners of the land office are hereby authorized and required to issue letters patent to the said John Reghtmire and Christian Peterie and to their respective heirs and assigns as tenants in common for all the land so purchased, and now by them actually possessed not exceeding five hundred acres.

Provided That the said John Reightmire and Christian Petrie, pay to the said commissioners, for the use of the people of this State the sum of one shilling per acre.

And be it further enacted, That it shall and may be lawful for the commissioners of the land office, to grant in fee simple by letters patent to Jellis D. Van Vorst, late a soldier in the regiment commanded by Seth Warner, the like quantity of bounty lands as has been granted to soldiers in the troops of the line of this State lately serving in the army of the United States. Letters patent to Jellis D. Van Vorst.

And be it further enacted, That the treasurer pay such accounts as shall be audited by the auditor for this State, for a supply of Indian corn to the six nations of Indians, and for blankets and cloathing furnished to certain of the Oneida Indians, in pursuance of concurrent resolutions of the senate and assembly, in their present session. Supplies to Indians.

CHAP. 67.

AN ACT for the better support of the hospital in the city of New York.

PASSED the 11th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the treasurer of this State for the time being, and he is hereby directed, to pay to the treasurer for the time being, of the "society of the hospital in the city of New York in America," for the use of that corporation, out of any monies then in the treasury of this State, not otherwise appropriated, the sum of two thousand pounds annually, for and during the term of five years, to be computed from the first day of February last, which sum of two thousand pounds, so to be paid, shall become chargeable upon the duty laid, or to be laid, on sales at vendue, or auction. Appropriation to the hospital in New York city.

CHAP. 68.

AN ACT to permit certain persons, to return to and reside within this State, and to repeal a clause of the act therein mentioned.

PASSED the 11th of April, 1792.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That the several persons named in the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State, in respect to all property within the same," and who have been banished from this State, by virtue of the second section of the said act, shall be and hereby are permitted to return to, and reside within this State, any thing in the said act, to the contrary notwithstanding. Persons banished allowed to return to State.

Provided always, That such permission shall not be construed, in any wise to affect the title of the people of this State, to any property Provido as to property

vested in them by virtue of such banishment, or by virtue of any forfeiture under the said act.

Part of act
repealed.

And be it further enacted, That the twenty sixth section of the act, entitled "An act for regulating elections," shall be and hereby is repealed.

CHAP. 69.

AN ACT to encourage literature by donations to Columbia college, and to the several academies in the State.

PASSED the 11th of April, 1792.

Preamble.

WHEREAS it has been represented to the legislature that the funds of Columbia college in this State, have in consequence of events which took place during the late war, been so far diminished, as to render it impracticable for the trustees to defray certain necessary expences which have accrued to the college in consequence of the alterations its the streets of the city of New York, and to repair the losses which the college sustained during the late war with respect to its library, and to incur such further expenses as would render the seminary more extensively useful, without pecuniary aid from the legislature. For remedy whereof.

Appropriation in aid of Columbia college.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That there shall be allowed and paid to the trustees of Columbia college or their order, for the use of the institution, the sum of fifteen hundred pounds, for the purpose of enlarging in library, and the sum of two hundred pounds for a chemical apparatus; and the sum of twelve hundred pounds for the purpose of building a wall necessary to support the grounds of the college, and the further sum of five thousand pounds for the purpose of erecting a hall and an additional wing to the college, pursuant to the original plan of the institution; and the treasurer is hereby authorized to pay the said respective sums out of such monies as may be or may come into the treasury, of the annual revenue of the State, and which may not be appropriated for the purpose of supporting government or satisfying claims against the State, or for compleating the sum of two hundred thousand pounds to be loaned in the several counties of this State by virtue of the act, "entitled "An act for loaning monies belonging to this State."

Appropriation to regents for academies.

And be it further enacted, That the treasurer shall annually pay out of the like monies as above described, as shall or may come into the treasury the sum of fifteen hundred pounds to the regents of the university or their order for the term of five years unless otherwise directed by the legislature for the purpose of being by them distributed among such and so many of the several academies as now are or hereafter may be erected in this State, during the said terms, in such proportions, and to be appropriated in such manner as they shall judge most beneficial for the several academies and most advantageous to literature.

Professorships in Columbia college.

And be it further enacted, That the treasurer shall annually for five years unless otherwise directed by the legislature pay to the trustees of Columbia college or their order out of the like monies as above described the sum of seven hundred and fifty pounds to be applied to the payment of the salaries of such additional professors in the said college, as the said trustees shall think proper to appoint.

CHAP. 70.

AN ACT relative to lands in the town of Chemung.

PASSED the 11th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby authorized and required, to grant unto any person or persons or their legal representatives, the lands to which they are respectively entitled by the act entitled "An act for granting certain lands in the town of Chemung."

Grants of
lands in
Chemung.

Provided that the person applying for such grant hath already paid into the treasury of this State, the money or certificates which by the said act was required to be paid therefor.

CHAP. 71.

AN ACT to grant an additional compensation to the loan officers for the counties of Albany and Montgomery, and relating to the loan offices of the said counties.

PASSED the 11th of April, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the loan officers of the county of Albany, appointed in pursuance of the act, entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit, for the purposes therein mentioned," shall from and after the passing of this act, annually retain in their hands, each the additional sum of ten pounds, out of the interest monies paid to them, as compensation for their additional services occasioned by the division of the said county.

Additional
compensa-
tion to
Albany
county
loan off-
cers.

And be it further enacted, That the loan officers of the county of Montgomery, appointed in pursuance of the act aforesaid, shall from and after the passing of this act, annually retain in their hands, each the sum of ten pounds, of the interest monies paid to them, as a compensation for their additional services, occasioned by the division of the said county, any thing contained in the act aforesaid, to the contrary notwithstanding.

Id., Mont-
gomery
county.

And be it further enacted, That it shall and may be lawful for the supervisors of the counties of Rensselaer, Saratoga, Columbia, Otsego and Herkimer, at each and every of their annual meetings, in their respective counties, to appoint one or more of the supervisors of the respective counties above mentioned, (whose duty it shall be) to attend at any of the meetings directed by the twenty eighth and twenty ninth sections of the act entitled, "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned," for inspecting and examining the mortgages, minutes, and accounts of the loan officers appointed in the counties of Albany and Montgomery respectively, under the act aforesaid. And that one of the judges and the supervisor or supervisors so nominated and appointed as aforesaid, of each respective county, shall be sufficient for the purposes in said sections of the act above mentioned, any law to the contrary thereof, in any wise notwithstanding.

Supervis-
ors to at-
tend meet-
ings in
certain
counties.

One judge
and one
supervisor
to be sum-
moned.

And be it further enacted, That the supervisor or supervisors, so nominated and appointed as aforesaid, in case of his or their non attendance, shall be subject to the like penalties as in and by the said sections of the act last mentioned, they are made liable to respectively, and it shall and may be lawful for the judges who shall attend instead of issuing their said precept for convening all the judges and supervisors in the said counties, and it is hereby declared sufficient for the judges aforesaid, to cause one of the supervisors and one judge in each of the said new counties, to be summoned in manner as is directed in and by the said two sections of the act aforesaid, and under the like penalties. And a majority of the supervisors, and one of the judges in the counties of Albany and Montgomery, together with one supervisor and one of the judges of each of the other counties respectively, to do and perform every act and thing relating to the examining and settling the accounts of the loan officers in the said counties of Albany and Montgomery respectively, as fully and effectually to all intents and purposes, as if the whole number, or a majority of such supervisors and judges in the said new counties, had been present.

CHAP. 72.

AN ACT for appointing electors in this State for the election of a president and vice president of the United States of America.

PASSED the 12th of April, 1792.

Preamble.

WHEREAS, by an act of the Congress of the United States entitled, "An act relative to the election of a president and vice president of the United States and declaring the officer who shall act as president in case of vacancies in the offices both of president and vice president," it is provided, that electors shall be appointed in each State for the election of a president and vice president of the United States within thirty four days preceding the first Wednesday of December one thousand seven hundred and ninety two, and within thirty four days preceding the first Wednesday of December in every fourth year succeeding the last election. *And whereas,* the time within which the appointment of electors is to be made, and their votes given is too short to admit of their being chosen by the people of this State. Therefore

Election of
presiden-
tial elect-
ors.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That electors shall be appointed in this State for the election of a president and vice president of the United States in the manner provided by the constitution of this State for appointment of delegates to represent this State in the then general Congress of the United States of America. And that the legislature shall meet for that purpose on the first Tuesday of November next. And the electors shall meet and give their votes at the court house at Poughkeepsie in Dutchess county at the time and in the manner directed in and by the said act of Congress. And then and there, do, execute and perform every act, matter and thing necessary to be done by them by virtue of the said act.

Place of
meeting.

Apportion-
ment of
electors.

And be it further enacted by the authority aforesaid, That the electors, chosen as aforesaid, shall be taken from the four great districts of this State as near as may be in the following proportion that is to say at and after the rate of four from the southern, three from the middle, three

from the western and three from the eastern district, which shall continue to be the ratio until another census shall be taken under the authority of this State.

And be it further enacted by the authority aforesaid, That the person administering the government of this State for the time being immediately after an appointment of electors as aforesaid, shall by express at the expence of this State, cause notice of such appointment to be given to each of the persons so appointed. And shall also on or before the day of meeting of the electors cause such lists of the names of the electors to be delivered to them, as is directed by the said act of Congress.

Notification
to
electors.

And be it further enacted by the authority aforesaid, That whenever an election of a president and vice president shall become necessary prior to the ordinary period, the person administering the government of this State for the time being, shall by proclamation convene the legislature of this State on the first Tuesday of November thereafter, in order that electors may be appointed for the purpose.

Legislature
to be convened
for
selecting
electors.

CHAP. 73.

AN ACT for the relief of the Indians residing in New Stockbridge and Brothertown.

PASSED the 12th of April, 1792.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the male Indians residing in and being inhabitants of New Stockbridge, above the age of twenty one years, on the first Tuesday in May next, and on the first Tuesday of May in every year thereafter during the continuance of this act, to meet together, and by a plurality of votes, to chose a clerk, whose business shall be to preside at such meetings, and to enter into a book by him to be kept for that purpose, such proceedings of the said meetings, as are by this act directed.

New Stock-
bridge
Indians,
annual
meetings.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, to elect a person to be called a marshal, whose business it shall be to execute the orders of the peace makers herein after directed to be chosen.

Election of
marshal;
duties.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Indians so assembled, annually to chose three persons to be called peace makers, whose business it shall be, to lay out such parcel or parcels of land as shall be agreed on by a plurality of votes at any such meeting for the separate improvement of each person or family, to be by the said peace makers marked and described, and a description thereof made in writing by them and delivered to the clerk who is to enter the same in his said book.

Election of
peace-
makers;
duties.

And be it further enacted by the authority aforesaid, That each person having a separate improvement allotted to him or her as aforesaid, the same shall be and remain, to such person or persons and their legal representatives without the power of alienation, and the person or persons so possessed may bring and maintain an action for any trespass committed on such possession by any white man, Indian, or any other person whomsoever.

Separate
improve-
ments.

Actions of
trespass on
common
lands.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said peace makers to bring actions in their own name for trespasses committed on any of the undivided lands in New Stockbridge aforesaid and not by them allotted by particular persons as aforesaid, before any court of justice having cognizance of the same against any white person, Indian or other person whomsoever.

Trespass
by Indians.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said peace makers on complaint made to them, by any Indian being an inhabitant of the said towns, against any such inhabitant for any trespass debt or demand, the said peace makers shall direct the marshall to cause the parties to come before them with their witnesses, and after having heard them, shall give judgment according to the best of their understanding, and shall advise the parties to comply with their said judgment, but in case they or either of them shall neglect or refuse so to do, the said peace makers, shall then commit their said judgment to writing, and cause the same to be entered in the town book aforesaid and the party in whose favour such judgment shall be given, may recover the same as a judgment of record in any court having cognizance of the same, provided that no such judgment shall exceed the sum of five pounds.

Special
meetings
of inhabit-
ants.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said peace makers, as often as they shall judge it necessary to call a meeting of the said inhabitants, at such time and place as they shall direct, for the purpose of determining on the laying out of the lands for separate improvements, or any other business which they may judge necessary in pursuance of this act.

Admission
of other
Indians.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitants at any of their said public meetings by a majority of votes, to admit any Indian or Indians of any other tribe or nation to become an inhabitant or inhabitants of the said town, to enjoy equal privileges with the other Indians of the same town, the votes respecting the admission of such person or persons, to be first entered in the clerk's book.

Sale of
improve-
ments to
Indians.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, for any inhabitant having lands allotted to him or her as aforesaid, to sell the improvement thereof to any other Indians or Indians and his or her assigns being Indians of the said town, which sales shall be entered in the clerks book of the said town.

Roads, lay-
ing out of,
and repairs

And be it further enacted by the authority aforesaid, That the said peace makers, shall lay out such roads or highways in the said town, as a majority of the inhabitants, at any of their public meetings shall direct; and to order such of the inhabitants of the said town, and so many of them, from time to time, to work on the roads or highways, and for so many days as shall be directed by a majority as aforesaid at a public meeting.

Quorum of
peace-
makers.

And be it further enacted by the authority aforesaid, That any two of the said peace makers, shall be a quorum to transact any business enjoined on them by this act.

Brother-
town, ad-
jourments

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said inhabitants of Brothertown, by a majority of votes, to adjourn their annual meetings from time to time as they may judge proper.

Who to
preside at
first meet-
ing.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for such justice of the peace of the county of Herkemer, as the inhabitants of New Stockbridge shall invite, to preside at their first meeting to be held in pursuance of this act.

And be it further enacted by the authority aforesaid, That the act entitled "An act for the relief of the Indians residing in Brothertown and New Stockbridge" so far as the same relates to the said Indians residing in New Stockbridge, excepting the last clause be and the same is hereby repealed.

Act recited
not to affect
New Stock-
bridge.

And be it further enacted by the authority aforesaid, That it shall be, and it is hereby made the duty of his excellency the governor, by such ways and means, as he shall judge proper, to remove all such white persons from Brothertown, who reside and hold lands there by any lease or leases or other title from any Indian or Indians, other than such leases, as have been or hereafter shall be made in pursuance of the several laws of this State.

White persons
to be removed
from Broth-
ertown.

And be it further enacted by the authority aforesaid, That the commissioner of the land office shall give the necessary directions for running out the bounds of Brothertown at the expense of this State.

Bounds of
Brothertown.

CHAP. 74.

AN ACT for the relief of Mary Heathcote Muirson.

PASSED the 12th of April, 1792.

WHEREAS Mary Heathcote Muirson the daughter of George Muirson, late of Suffolk county Esquire, hath by her petition set forth, that she has reason to believe that some part of her late fathers estate, the whole of which was forfeited to, and became vested in, the people of this State, hath not been accounted for at the treasury of this State; and in her said petition did pray, that she might be enabled by law, to sue for and recover the same to her own use. Therefore

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the estate real and personal, both in law and equity, either in possession, reversion or remainder of George Muirson late of Suffolk county Esquire, which was forfeited to and became vested in the people of this State by virtue of the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State, and for declaring the sovereignty of the people of this State in respect to all property within the same," and which hath not come to the possession of any of the commissioners of forfeitures within this State, or hath not been paid into the treasury of this State, shall be, and the same is hereby declared to be vested in Mary Heathcote Muirson, the daughter of the said George Muirson. And that it shall be lawful for the said Mary, in her own name, and to her own use, to sue for and recover the same in any court of law or equity within this State. *Provided* that this act shall not extend to any debts or demands remitted by the sixth section of the act entitled "An act relating to the forfeited estates." *Provided also,* that this act shall not extend to any real estate sold by the said George Muirson or any of his sons.

Forfeited
estate of
George
Muirson
vested in
his daughter.

LAWS
OF THE
STATE OF NEW-YORK,
PASSED AT THE
SIXTEENTH SESSION OF THE LEGISLATURE.

CHAP. 1.

AN ACT to repeal the second section of the act entitled "An act for appointing electors in this State for the election of a president and vice president of the United States of America.

PASSED the 19th of November, 1792.

Preamble. WHEREAS by the second section of the act entitled "An act for appointing electors in this State for the election of a president and vice-president of the United States of America," it is enacted "That the electors shall be taken from the four great districts of this State, as near as may be in the following proportions; that is to say, at and after the rate of four from the southern, three from the middle, three from the western, and three from the eastern district, which shall continue until another census shall be taken under the authority of this State." *And whereas*, there are only twelve electors to be chosen in this State, so that it is impossible to take them from the four great districts in the proportions aforesaid. Therefore

Part of act repealed. *Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That the said second section of the said act shall be and hereby is repealed.

CHAP. 2.

AN ACT to enable the mayor, recorder and aldermen of the city of New York, to order the raising monies by tax for the maintenance of the poor, and for defraying the other contingent expences arising in the city and county of New York.

PASSED the 7th of December, 1792.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the mayor recorder and aldermen of the city of New York, or the major part of them, of whom the mayor or recorder to be one, shall be, and hereby are fully authorized and impowered, as soon as conveniently may be after the first day of May next, to order the raising a sum not exceeding nine thousand two hundred pounds, by a tax on the real and personal estates of the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county, the bridewell, and the criminals from time to time confined in the prison of the said city and county, and to the repairing and maintaining the public roads, regulating and improving the streets, and for paying the other contingent expences, arising within, and properly chargeable, to the said city and county.

Tax levy in New York city for contingent charges.

And be it further enacted, That it shall and may be lawful for the mayor, recorder and aldermen aforesaid, or the major part of them, of whom the mayor or recorder to be one, as soon as conveniently may be, after the said first day of May next, to order the raising a further sum, not exceeding one thousand pounds, to be assessed, raised and collected in the manner aforesaid, to be applied to compleating the improvements at the battery, and about the government house, and making improvements in front of the goal, alms house and bridewell, in the said city.

Tax levy for improvements at the battery

And be it further enacted, That it shall and may be lawful for the mayor recorder and aldermen aforesaid, or the major part of them, of whom the mayor or recorder to be one, as soon as conveniently may be after the said first day of May next, to order the raising a further sum, not exceeding five thousand eight hundred pounds, by a tax on the estates real and personal of the freeholders and inhabitants within the said city, on the south side of a line, beginning at the outlet of the meadows of Anthony Lisenard into Hudsons river, thence extending to and along the north side of the dwelling house of Nicholas Bayard, thence to, and along the north side of the dwelling house of John R. Livingston Esquire, and thence to and along the north side of the dwelling house of Abraham Cannon, to the East river, to be applied to the payment of so many watchmen, as the mayor, aldermen, and commonalty of the said city, in common council convened, shall from time to time think necessary, for guarding the said city; and also the purchasing oil, providing lamps, and repairing and attending the lamps, which now are, and from time to time hereafter may be erected within the said city; and for the payment of such other contingent charges of the said city, arising within the limits above mentioned, and properly chargeable thereto, as the mayor, aldermen and commonalty of the said city, in common council convened, shall think necessary, and from time to time direct; which said several sums of money, shall be rated and assessed, according to the estate of each respective person, so to be taxed,

Tax levy for night watch and street lighting.

and be collected in one payment, and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of May next, as the said mayor recorder and aldermen, or a major part of them, shall direct and appoint; any thing in the second section of the statute entitled "An act for the more effectual collection of taxes in the city and county of New York" contained to the contrary notwithstanding.

Fees of
collectors
and treas-
urer.

And be it further enacted, That it shall and may be lawful for the collectors in the seventh ward of the said city, to retain in their hands, the sum of one shilling in the pound, and the collectors in the several other wards, the sum of nine pence in the pound and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall and may be lawful for the said treasurer or chamberlain, to retain in his hands, the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said monies.

CHAP. 3.

AN ACT to raise a sum of money for compleating the court house and gaol in Kings county.

PASSED the 7th of December, 1792.

Preamble. WHEREAS the judges and supervisors of Kings county, have by their petition requested the legislature, to enable them by law, to raise a sum of money for compleating of the court house and gaol of the said county. Therefore.

Kings
county, tax
levy for
completing
court-
house and
jail.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the several towns in the said county for the time being, or the major part of them, shall be, and they are hereby authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding three hundred pounds, for compleating the court house and gaol of the said county, with the additional sum of nine pence in the pound for collecting the same; which said sums shall be raised, levied and collected, in the like manner as the other necessary and contingent charges of the said county, are levied and collected.

Super vis-
ors, where
and when
to meet.

And be it further enacted, That the supervisors of Kings county, or the major part of them, shall meet at the house of James Van Buren in Flat-Bush in the same county, on the third Tuesday in December in the present year, for the purpose of directing such sum as they shall order to be raised for the purposes aforesaid, together with the poundage for collecting the same, to be raised and levied; and it is hereby made the duty of the clerk of the supervisors of the county, to notify the said supervisors of such meeting.

Tax raised
to be paid
to county
treasurer.

And be it further enacted, That the sum so to be raised, exclusive of the collectors poundage, shall be collected and paid into the treasury of the said county, on such day or days, as the supervisors of the said county for the time being, or the major part of them shall direct.

Fees of
treasurer.

And be it further enacted, That it shall and may be lawful, for the treasurer of the said county, to retain in his hands the sum of three pence in the pound, for his trouble in receiving and paying out the monies, directed to be raised by this act.

And be it further enacted, That it shall and may be lawful, for the treasurer of the said county, to pay to the commissioners appointed to erect and build the said court house, from time to time, such part of the monies to be raised and collected in and by virtue of this act, as they shall draw for, to be accounted for in the same manner, as the monies directed to be raised in virtue of the act entitled "An act for building a court house and gaol in Kings county," passed the tenth of March, one thousand seven hundred and ninety one, are to be accounted for.

Moneys,
how paid
out.

CHAP. 4.

AN ACT to cede the jurisdiction of certain lands on Montaack Point, to the United States of America, for the purposes therein mentioned.

PASSED the 18th of December, 1792.

WHEREAS by an act of the Congress of the United States of America entitled "An act to erect a light house on Montok Point in the State of New York" passed the 12th day of April 1792, it is enacted and declared, "That as soon as the jurisdiction of such land on Montok Point in the State of New York, as the President of the United States shall deem sufficient and most proper for the convenience and accommodation of a light house, shall have been ceded to the United States, a light house may be erected thereon." *And whereas* it is meet and proper that such cession should be made under certain limitations. Therefore

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the jurisdiction in and over all that certain tract of land at Montaack Point in the county of Suffolk within this State, and herein after particularly described shall be and hereby is ceded to the United States of America for the purposes aforesaid. *Provided nevertheless,* that such jurisdiction so ceded as aforesaid, shall not extend, or be construed to extend, so as to impede or prevent the execution of any process at law, under the authority of this State, except so far forth, as such process may affect any the real or personal property of the United States within the said tract, and that all the lands and tenements within the said tract, shall be, and forever hereafter are exonerated and discharged from any taxes which may be laid under the authority of the legislature of this State. And the tract of land abovementioned, in and over which the jurisdiction is so ceded as aforesaid, is more particularly known by the name of Turtle Hill, and is butted and bounded as follows, to wit, beginning at the beach and at a rock laying on a hommock at the bottom of the said hill, and runs thence north eighty two degrees west eleven chains and fifty eight links, thence south five degrees west five chains, thence south fifteen degrees east nine chains to a rock marked *John Champlain 1788*; thence on the same course to low water mark, thence north easterly along low water mark until the point of beginning bears north eighty two degrees west, thence to the place of beginning.

Lands at
Montauk
Point ceded
to the
United
States.

CHAP. 5.

AN ACT for electing representatives for this State, in the house of representatives, of the Congress of the United States of America.

PASSED the 18th of December, 1792.

Congress-
ional dis-
tricts in
this State.

Qualifica-
tions of
congress-
men.

Manner of
conduct-
ing elec-
tions.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That for the purpose of electing representatives in this State, for the house of representatives of the Congress of the United States of America, this State shall be, and hereby is, divided into ten election districts as follows, that is to say, The city and county of New York, shall be one district; and the counties of Suffolk, Queens and Kings, shall be one district, and the counties of West Chester and Richmond, shall be one district; and the county of Orange and the county of Ulster shall be one district; and the county of Dutchess shall be one district; and the county of Columbia shall be one district; and the counties of Rensselaer and Clinton shall be one district; and the city and county of Albany, shall be one district; and the counties of Washington and Saratoga shall be one district; and the counties of Montgomery, Otsego, Tioga, Herkemer and Ontario, shall be one district. And that at every election for representatives of the people of this State, in the house of representatives of the Congress of the United States of America, a person who shall have attained the age of twenty five years, and who shall have been seven years a citizen of the United States, and who shall then be an inhabitant of this State, shall be chosen in each of the said districts, for one of the said representatives, by the inhabitants of such district; that is to say, by such persons, inhabitants of such district, as are, or shall be qualified, to vote for members of the assembly of this State, each of whom, shall be entitled to vote for one person as such representative, and the person who shall have the greatest number of votes in any district, shall be the representative chosen in such district; and all such elections shall be held and conducted by such persons and in the same manner as the elections for members, of the assembly of this State, are by law to be held and conducted, and upon closing the poll at every such election, both poll books or lists, shall after due examination and correction thereof, be signed by the inspectors then attending, and the clerks who shall have kept the same respectively; and the box containing the ballots, shall then be opened, and the ballots contained therein, be taken out, and without being opened or inspected, shall, together with both poll books or lists, be immediately put up under cover and enclosed, and sealed in such manner, as to prevent its being opened without discovery, and the inspectors present at closing the poll, shall put their seals, and write their names upon the same enclosure; and one of the said inspectors then present, to be appointed for that purpose by a majority of the inspectors present at closing of the poll, shall without delay, and within five days thereafter, deliver the same enclosure, so sealed up as aforesaid, to the sheriff of the county, who shall upon receiving the said enclosures, without opening or inspecting the same, or any of them, put the said enclosures into a box, which shall be well closed and sealed up by him, and he shall write his name, and the name of his county on the said box, and shall within eighteen days thereafter, either in person, or by his deputy, deliver the said box, without opening the same, or the enclosures therein contained, into the

office of the secretary of this State, where the same shall be safely kept, by the secretary of this State, or his deputy, unbroken, and unopened, until the meeting of the committee, or persons herein after mentioned and appointed, to canvass and estimate the ballots therein contained, when all the said boxes shall be delivered, unbroken and unopened, to them, and for which service the sheriffs of the respective counties, shall be allowed, at and after the rate, of one shilling and six pence per mile, for going to the secretary's office, to be computed from the sheriff's place of abode in each county, to the secretary's office, and to be paid on the certificate of the secretary, by the treasurer of the State, out of any monies then in his hands, not otherwise appropriated.

And be it further enacted, That if the box containing the ballots taken in any county, shall not be delivered to the secretary or his deputy, by the sheriff of the county in person, then the person who shall deliver the said box to the secretary, or to his deputy, if he received it from the sheriff, shall, on delivery thereof make oath, to be administered by either of them, that he received the said box from the sheriff of the county, and that the same has not been opened, nor any of the packages therein contained, altered, since he so received the same; but in case the person, charged with the box by the sheriff, shall by sickness, or any other unavoidable accident, be prevented from delivering the same box, at the secretary's office, then and in every such case, it shall be lawful for any other proper person, to carry the said box, to the said secretary's office, and to make an affidavit, before the secretary, or his deputy, stating the circumstances, and how he became possessed of the box, particularly, and that the same box, has not been opened, nor any of the packages therein contained, altered, since he so received the same. And the secretary or his deputy, shall deliver the same box and affidavit, to the persons who may attend to canvass the ballots, who shall receive and examine the same; and if there shall be no appearance, of the said box having been opened, they shall open the same, and examine the packages therein contained; and if they appear not to have been opened or altered, then they shall open the said packages, and canvass and estimate the ballots therein contained.

Delivery of
ballots to
secretary
of State.

And be it further enacted, That the first election in this State, for such representatives as aforesaid, shall begin and be held, on the fourth Tuesday of January next, and the next general election for such representatives in this State, shall begin and be held, on the second Tuesday of December, which will be in the year, one thousand seven hundred and ninety four; and every subsequent general election for such representatives in this State shall be held, on the second Tuesday of December, in every second year thereafter; and from which days, the same may be respectively continued by adjournment, if necessary, from day to day, not exceeding five days, until the same shall respectively be completed.

Election,
when to be
held.

And be it further enacted, That the committee annually to be appointed, by virtue of the act entitled "An act for regulating elections," or the major part of them, shall and hereby are, authorized and required, to canvass and estimate the votes, to be taken at any election for such representatives, and shall on the fourth Tuesday, after the commencement of every general election, meet together at the office of the secretary of this State, and there, on that day, and on so many days next succeeding thereto (Sundays excepted) as shall be necessary, for that purpose, proceed to open the said boxes, one after the other, and the enclosures therein contained respectively; and canvass and estimate the votes therein contained, returned into the office of the secretary of this State as aforesaid, and as soon as they shall be able to determine, upon such

Canvass of
ballots by
committee.

canvass and estimate, who by the greatest number of votes, shall have been chosen a member of the house of representatives, of the Congress, of the United States of America, in each of the said districts respectively, and within fourteen days next after the first day of their meeting as aforesaid, they shall determine the same; and thereupon without delay, make and subscribe, with their own names and hands writing a certificate of such determination, in a book to be kept for that purpose in the said secretary's office, there to remain of record; and without delay, deliver or cause to be delivered, a true copy thereof, so subscribed as aforesaid, to each of the persons so elected respectively, and another copy so subscribed as aforesaid, to the house of representatives of the Congress of the United States of America, at their next meeting.

Vacancies
in repre-
sentatives,
how filled.

And be it further enacted, That in case of any vacancy or vacancies, by death or otherwise, in the said office of representative, between any of the said general elections, the person administering the government of this State, for the time being, shall by proclamation, give notice thereof, and shall in such proclamation, signify, in which of the said districts, the person or persons, is or are, to be elected to fill such vacancy or vacancies, and shall also appoint a day, not less than forty, nor more than sixty days, from the day of the publication of such proclamation, for holding an election in such district or districts, to fill such vacancy or vacancies, and cause a copy of such proclamation, to be delivered to each sheriff, in such district or districts; and the respective sheriff's shall thereupon give notice in writing, of such election, to the supervisor or one of the inspectors of elections, of each of the several towns and wards of such district or districts, in their respective bailiwicks, within eight days after receiving such proclamation; and each of the said supervisors and inspectors, shall immediately after receiving such notification give notice thereof to the town clerk and assessors, or other inspectors of elections of the same town or ward; and the several and respective supervisors town clerk and assessors of each town, or the major part of them, and the inspectors of elections for each ward, or the major part of them, shall without delay convene together, and by writing under their hands to be affixed up in at least five of the most public places in such town or ward, give eight days notice of the time and place or places of holding such election in the same town or ward; and such elections shall be held and conducted by the same persons, and in the same manner, as the general election for representatives are herein before directed to be held and conducted; and the poll books or lists and ballots taken at such election shall be disposed of in the same manner, as the poll books or lists and ballots taken at the general election for representatives; and the person administering the government of this State for the time being, shall immediately upon issuing his proclamation as aforesaid, by special messengers at the expense of this State, cause notice to be given in writing to each member of the said canvassing committee, and require his attendance at the office of the secretary of this State, at a certain day, not less than twenty eight days, nor more than thirty five days after the day appointed in the said proclamation for holding such election, to canvass and estimate the votes taken as aforesaid; and such canvass and estimate shall be made in the same manner, and such certificate given, as is and are herein before directed, upon a general election of representatives.

Poll, where
held.

And be it further enacted, That it shall and may be lawful for the inspectors of any election to be held as aforesaid, or the major part of them, to hold the poll at such place or places in any town or city within

this State, as may appear to them the most convenient for the electors, they having previously inserted in the notices given of such election, the place or places where, and the times when, such elections are to be held.

And be it further enacted, That in case no such committee shall be appointed, or if such committee should not meet as aforesaid to canvass and estimate the votes taken at a general election, or at any election to fill such vacancy or vacancies, then it shall be the duty of the secretary of this State for the time being, to give notice thereof to such senators as shall have been returned at the then last election to serve in the senate of this State, and require their attendance at the office of the secretary of this State at a certain day, not less than twenty days, nor more than thirty days after the date of such notice, to canvass and estimate the votes taken at such election; and such senators, or the major part of them, shall be, and hereby are, in such cases authorized and required, to canvass and estimate the votes taken at such election; and to do, execute and perform, all and every thing and things, in and about the premises, in the same manner, as such joint committee might or ought to have done.

Proceedings where committee to canvass fails to meet.

And be it further enacted, That when a majority of the said joint committee, or a majority of the survivors of them, or the major part of the said senators shall meet as aforesaid, for the purpose of canvassing and estimating the votes taken at any such election, such majority shall be, and hereby are authorized empowered and required, to proceed to such canvass and estimate; and all questions which shall arise upon such canvass and estimate, or upon any of the proceedings therein, shall be determined according to the opinion of the major part of the persons so met, conformable to this act.

Majority of board present may act.

And be it further enacted, That the said joint committee, and the said senators, or such of them as shall at any time attend, to make such canvass and estimate, shall before they proceed to open any of the boxes delivered as aforesaid, severally take and subscribe before the secretary of this State, or his sworn deputy, or a master in chancery, the following oath to wit,

Oath to be taken by canvassers.

"I one of the joint committee, appointed by the senate or assembly (as the case may be) pursuant to the act entitled "An act for regulating elections;" or "I a member of the senate of the State of New York, do solemnly and sincerely swear and declare, that I will honestly and impartially, canvass and estimate the votes, taken at the last election for members, or a member (as the case may be) of the house of representatives, of the Congress the United States of America, contained in the boxes or box (as the case may be) delivered into the office of the secretary of this State, and now produced to me, by the secretary, or his deputy (as the case may be) and that I will publish and declare the person who hath the greatest number of votes, or the respective persons who have the greatest number of votes, returned into the office of the secretary of this State as aforesaid, in each district respectively, (as the case may be) to be elected a member, or members of the house of representatives of the Congress of the United States of America; and if I shall discover any of the other persons appointed a committee with me, (or who shall attend with me) for the purpose aforesaid, conducting himself, or themselves partially, unduly or corruptly in the premises, that I will discover the same, to the end, that the person so offending, may be brought to justice" which oath shall be entered of record, by the secretary or his deputy, in the same book in which the certificate of the determination upon such canvass and estimate, is to be entered as aforesaid.

Form of oath.

Where
excess of
ballots
found.

And be it further enacted, That if the number of ballots in any enclosure, shall exceed the number of electors mentioned on the poll lists, contained in the same enclosure, then the said committee shall draw out, unopened, so many of the said ballots, as shall amount to the excess, and shall proceed to canvass and estimate the residue. And if two or more ballots or tickets, shall be found, folded or rolled up together none of the ballots so folded up together shall be estimated, and such excess, shall be sealed up by the canvassers, in a paper to be marked surplus ballots; and where two or more ballots are so folded or rolled together the same shall also be sealed up in a separate paper, and a proper endorsement made thereon, to designate the contents; and both papers shall, with the other ballots be returned to their proper boxes, and committed to the custody of the secretary.

Bribery,
penalty for

And be it further enacted, That if any person shall be guilty of bribery or corrupt conduct, at any such election, or in any of the duties required of him by this act, or shall neglect or refuse to perform, any of the duties required of him by this act, every such person, so offending, shall be liable to the same pains and penalties, as are imposed for the like offences, in and by the act entitled "An act for regulating elections" and to be recovered and applied in the manner therein directed.

Militia not
to be called
out.

And be it further enacted, That no officer or other person, shall call or order any of the militia of this State, to appear or exercise, on any day, or at any time during any such election, or at any time within ten days before the ordinary, and established days of holding such elections, (except in cases of invasion or insurrection) on pain of forfeiting the sum of two hundred pounds, for every such offence, to be recovered, by any person who will sue for the same, with costs, the one moiety of such penalty to his own use, and the other moiety thereof to the use of the people of this State.

Civil process
not to be
served.

And be it further enacted, That it shall not be lawful for any officer, or minister of justice, to serve any civil process, in any city or town, in this State, on any person entitled to vote at any such election, between the day preceding such election and the day subsequent to the closing of the poll at such election, in such city or town.

How long
act to con-
tinue in
force.

And be it further enacted, That this act shall continue in force, until a future census of the inhabitants of this State shall be taken, by virtue of the constitution of this State, or by any law of the legislature thereof, or of the Congress of the United States of America, and no longer.

CHAP. 6.

AN ACT for the relief of Cadwallader Colden and others.

PASSED the 18th of December, 1792.

Preamble.

WHEREAS it appears to the legislature, that Cadwallader Colden, surviving executor of the last will and testament, of Cadwallader Colden, Esquire, deceased, had a claim against the forfeited estates of John Weatherhead and John Tabor Kempe, which claim was liquidated, by the chancellor of this State, at one thousand and fifteen pounds, eleven shillings and eight pence, by virtue of the "act for the speedy sale of the confiscated and forfeited estates within this State, and for other purposes therein mentioned;" part of which demand, the said Cadwallader Colden hath received from his agent in Europe.

And whereas the said Cadwallader Colden, hath received eight hundred pounds, in part of the said demand, as appeareth by his petition, by reason of which, he the said executor could not take the oath prescribed in and by the said act, to entitle him to receive the ballance from the treasurer of this State. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer of this State, shall liquidate the demand of the said Cadwallader Colden, surviving executor of the last will and testament of Cadwallader Colden, esquire, deceased, according to the directions of the said act; and after deducting from the liquidated amount, the said eight hundred pounds, with the interest accrued thereon, subsequent to the receipt thereof by the said executor, to pay the ballance to the said executor, or to his legal representative, out of any monies not already appropriated.

Colden,
Cadwallader, relief of.

Provided always, That there shall be in the treasury, a sum equal to such ballance, arising from the forfeited estates of the said John Weatherhead and John Tabor Kempe.

And whereas, James McEvers hath set forth by his petition, that his father James McEvers, late of the city of New York, merchant, did become bound with William Bayard, formerly of the said city, as his surety, by bond unto Henry Cuyler of Greenbush, in Rensselaer county, bearing date the fifteenth day of February, in the year of our Lord, one thousand seven hundred and sixty five, amounting to two thousand, six hundred and twenty pounds, with lawful interest on the same.

And whereas, the said James McEvers, died some time in the year one thousand seven hundred and sixty eight leaving a widow, and several orphan children.

And whereas a suit has been commenced against the heirs and devisees of the said James McEvers, and a recovery had in the supreme court of this State, in the term of April, in the year of our Lord, one thousand seven hundred and ninety one.

And whereas the said William Bayard, paid the yearly interest on the said bond, from the execution of the same, to the fifteenth day of January, one thousand seven hundred and seventy six; and that the said William Bayard during the late war between the King of Great Britain and the United States of America, was convicted of the offence of adhering to the enemies of this State, and his estate became thereby forfeited, and the produce thereof deposited in the treasury of this State; and the said James McEvers prays, that the legislature will grant relief in the premises, by directing the amount, remaining due upon the said bond, to be paid out of the forfeited estate of the said William Bayard. Therefore,

Be it further enacted, That it shall and may be lawful for the said heirs and devisees, of the said James McEvers, to present a petition to the chancellor, or one of the judges of the supreme court of judicature of this State, for the time being, stating their claim against the estate of the said William Bayard, giving the attorney general of this State, at least twenty days previous notice thereof, and delivering to him a copy of such petition, with the said notice, in order, that he may attend in behalf of the people of this State, and the chancellor or judge to whom such petition shall be addressed and presented, shall be, and hereby is authorized and required to hear and examine, the said claim of the said heirs and devisees, and all matters concerning the same, and to determine and ascertain, whether any, and what sum of money ought to be paid out of the estate of the said William Bayard, to indemnify the said

McEvers,
James,
relief of.

heirs and devisees, against any security given, by the said James McEvers, for the said William Bayard; or to repay the said heirs and devisees, any money they shall have been compelled to pay, on account of any such security, and shall make and subscribe a certificate of such determination, directed to the treasurer of this State; and the said treasurer is hereby authorized and required, to pay to the said heirs and devisees, out of any money then in the treasury, not otherwise appropriated, such sum as shall be ascertained by such certificate, to be due or payable to them, out of the estate of the said William Bayard, taking a receipt for the same, upon the said certificate: *Provided* there shall be so much money then in the treasury, arising from the estate of the said William Bayard, and if there shall not be so much, then the treasurer shall pay the amount then remaining in the treasury, and no more.

And whereas, Charles McEvers, of the city of New York, merchant, executor of the last will and testament of James McEvers, deceased, hath set forth by his petition, that Beverly Robinson, late of the county of Dutchess, was indebted to James McEvers in his life time, in the sum of four hundred and seventy two pounds, sixteen shillings and six pence, lawful money of New York, and that the said Charles McEvers did procure a bond to be executed by the said Beverly Robinson, for the said debt, in the penal sum of nine hundred and forty five pounds, thirteen shillings, and that the said bond is now due and unpaid.

And whereas the said Beverly Robinson, was by an act of the legislature of this State, passed the second day of October, one thousand seven hundred and seventy nine, convicted and attainted of adhering to the enemies of this State, and all his estate forfeited to the people of the same.

And whereas the said Charles McEvers did commence a suit in England against the said Beverly Robinson, who filed a bill in the court of chancery in England, and procured an injunction to stay proceedings in the said suit.

And whereas the said Charles McEvers was unable to prove his said debt, and to receive satisfaction for the same, out of the forfeited estate of the said Beverly Robinson, within the time limited by law, by reason the said suit was then depending in Great Britain; and it being required by the said law, that an oath should be taken by the said Charles McEvers, that he expected no further compensation for the said debt, than that, allowed by law, out of the forfeited estate of the said Beverly Robinson; and the said Charles McEvers humbly prays that on making due proof of the said debt, he may be paid the amount thereof out of the proceeds of the forfeited estate of the said Beverly Robinson. Therefore,

McEvers,
Charles,
relief of,

Be it further enacted, That it shall and may be lawful for the said Charles McEvers, executor of the said James McEvers, to present a petition to the chancellor, or one of the judges of the supreme court of judicature of this State, for the time being, stating his claim, against the estate of the said Beverly Robinson, giving the attorney general of this State at least twenty days previous notice thereof, and delivering to him a copy of such petition, with the said notice, in order that he may attend in behalf of the people of this State. And the chancellor or judge, to whom such petition shall be addressed and presented, shall be, and hereby is authorized and required, to hear and examine the said claim of the said Charles McEvers, and all matters concerning the same, and to determine, and to ascertain whether and what sum of money ought to be paid out of the estate of the said Beverly Robinson; and shall make, and subscribe a certificate of such determination, directed to the

treasurer of this State: And the said treasurer is hereby authorized and required, to pay to the said Charles McEvers, out of any money then in the treasury not otherwise appropriated, such sum as shall be ascertained by such certificate, to be due or payable to the said Charles McEvers, out of the estate of the said Beverly Robinson, taking a receipt for the same upon the said certificate.

Provided there shall be so much money in the treasury, arising from the estate of the said Beverly Robinson; and if there shall not be money enough to discharge the same, then the treasurer shall pay the sum in the treasury, and no more.

Provided always, that the said bond was executed before the ninth day of July, one thousand seven hundred and seventy six.

And be it further enacted, That the said Charles McEvers and James McEvers, shall previous to their receiving the sums of money, which shall be certified to be due to them as aforesaid, each of them separately enter into bond, with one sufficient surety to the said treasurer, to refund to the said treasurer, or his successor in office, a rateable proportion of any sum or sums of money which this State may hereafter be obliged to pay in satisfaction of any claim or claims of dower, which may arise upon the forfeited estates of the said Beverly Robinson and William Bayard, respectively, unless there is a sufficiency in the treasury, to satisfy the said dower or dowers, when the recovery as aforesaid is obtained, comparing the sum or sums, so received as aforesaid with the respective balances now in the treasury of this State, that have arisen from the forfeited estates aforesaid.

Bonds to be given by Charles and James McEvers.

CHAP. 7.

AN ACT further to continue the treasurer of this State in office.

PASSED the 18th of December, 1792.

Be it enacted by the people of the State of New York represented in Senate and Assembly, That Gerard Bancker shall be, and hereby is, continued in office as treasurer of this State, until sixty days after the rising of the legislature, at their next meeting after the first Monday in July which will be in the year of our Lord, one thousand seven hundred and ninety four.

Gerard Bancker continued in office as treasurer.

And be it further enacted, That the said Gerard Bancker, if he shall take upon him the execution of the said office, shall, on or before the first day of April next, appear before one of the judges of the supreme court of this State, and take the following oath, vizt.

Oath to be taken by Gerard Bancker.

"I Gerard Bancker, appointed treasurer of this State, do solemnly and sincerely swear and declare in the presence of Almighty God, that I will during my continuance therein, well, faithfully and honestly to the best of my knowledge and ability, execute the office of treasurer of this State; and that I will not, on any occasion or pretence, apply any money or security which shall or may come to my hands as belonging to this State, to any private uses or purposes whatsoever; and that when my accounts as treasurer shall be examined, in manner directed by law, I will exhibit an account of such monies and securities under this my oath of office, so help me God."

Form of oath.

And be it further enacted, That the speaker of the assembly for the time being, shall take a bond from the above named Gerard Bancker, on or before the first day of April next, with not less than four sufficient

Bond to speaker of the assembly.

sureties to the people of the State, in the sum of twenty thousand pounds lawful money of this State, with a condition, that the said Gerard Bancker shall and will, well faithfully and honestly execute and perform the duties of the said office; which bond, when so taken, shall be lodged in the secretaries office of this State.

Discharge
of old bond

And be it further enacted, That if the said Gerard Bancker shall, upon the expiration of the time for which by this act he is continued in office, procure and lodge in the office of the secretary of this State; a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said Gerard Bancker, expressing that his accounts as treasurer are regularly stated and balanced; and also that the balance of monies and securities belonging to the State, if any there be, are actually in the treasury or deposited as directed by law; such certificate, when lodged in the office of the secretary of the State as aforesaid, shall be, to all intents and purposes, a discharge of the bond directed by this act to be given by the treasurer, with sureties, for the faithful performance of the duties of his office as aforesaid.

CHAP. 8.

AN ACT to amend an act entitled "An act for establishing and opening lock navigation within this State.

PASSED the 20th of December, 1792.

Preamble.

WHEREAS the president and directors of the company incorporated by the name and stile of "The president, directors and company of the western inland lock navigation in the State of New York." And the president and directors of the company incorporated by the name and stile of "The president directors, and company of the northern inland lock navigation in the State of New York" have respectively, in behalf of the stockholders in the said companies represented to the legislature, that by reason of sundry of the provisions, restrictions and limitations contained in the act entitled "An act for establishing and opening lock navigations within this State" passed the 30th day of March 1792," the progress of the improvements to the internal navigation for which the said companies were incorporated will be greatly retarded, if not entirely arrested, unless further legislative interference shall be interposed, to the end therefore, that improvements, whose object is extensive benefit to the community may not be impeded, and to render the advantages which are contemplated to result therefrom, as mutual between the citizens at large, and the said companies respectively, as the nature of the case will admit.

Dimen-
sions of
canals and
locks.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the president and directors of the said corporation and their successors severally and respectively, to construct any and every canal and lock which they may deem necessary to make, of any breadth at their option, *provided* that every such canal and lock, shall not be less than ten feet broad at the bottom or base, nor any lock less than seventy feet long between the gates thereof any thing in the said act to the contrary hereof notwithstanding.

Depth of
water in
canals

And be it further enacted by the authority aforesaid, That if in the greater part of the time between the first day of March, and the first day

of December in every year, the water in the canals and locks to be constructed by the said presidents and directors, or by their successors respectively and the water in the creeks and rivers, into or thro' which vessels shall pass, to and from any such canal or lock, shall be of such depth as that vessels drawing two feet of water when laden can pass thro' the incorporations aforesaid shall not cease, become void and forfeited, if in the residue of the period aforesaid there shall not be a sufficiency of water to permit vessels drawing two feet of water to pass thro' such canals locks creeks or rivers, any thing in the said act to the contrary notwithstanding.

And whereas by the seventh section of the said act, it is enacted, that the said corporations, previously to their respectively entering upon any lands with intent to appropriate the same, the improvements for which the said incorporations were created, shall purchase such land, or shall cause the same to be appraised in manner directed by the said seventh section. *And whereas* before such appraisement can be obtained, much injury may be sustained by the said corporations, and the improvements by them intended arrested, to the detriment as well of the community, as of the said corporations. For remedy whereof.

Be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for each of the said corporations by its president and directors, or by any superintendant, agent or engineer appointed under the seal of the said corporations respectively, to enter into and upon all and singular any land or lands, whether covered with water or not, which they or either of them may deem necessary for the prosecution of the improvements aforesaid, or whereon or whereby to construct any canal, lock, dyke, embankment, pond, dam or other work, intended or permitted by the said act and by this act to be so constructed and that without the leave and permission of the owner or owners, proprietor or proprietors of such land first had and obtained, and having so entered to dig, trench and use the said lands for the purposes aforesaid, together with one hundred feet more of such land on each side of any canal, lock, dyke, embankment, pond, dam or other device relative to the said improvements, and to appropriate the same land to such uses as to the said corporations respectively shall seem proper, any thing in the said act to the contrary hereof in any wise notwithstanding. *Provided nevertheless,* that in every case, where such entry shall be made and occupancy had as before said on the part of the said corporations or either of them, other than by and with the consent of the owner or owners, proprietor or proprietors of such land, it shall be, and is hereby made the duty of the president and directors of the said companies severally, within forty days next after such entry has been made on the part of either of them, to solicit an appraisement of the property so taken, and of the damages sustained by the party or parties from whom the same was taken, in manner directed by the said seventh section, and in default of obtaining such writ, as in the said seventh section is directed within the said forty days, the party or parties aggrieved shall be entitled to fourfold the amount of the damages sustained by such entry, taking and occupying, to be recovered in any court of record having cognizance thereof, with costs of suit: *Provided* that the powers hereby granted to the said corporations of making entries into lands, shall not continue beyond the completion of the said canals, or if not completed in the mean time, beyond the period limited by the former act for completing the same; saving also to the proprietors of any lands that shall be contained within the one hundred feet aforesaid, the right of a way or ways, to

between
March and
December.

Entry upon
lands of
others;
damages.

pass to, and from, his, her, or their land, as is provided in and by the eighth section of the act hereby amended.

And for the further encouragement of the said corporations, to prosecute the objects of their institution,

Mills,
hydraulic
works,
etc., use of
water for.

Be it further enacted by the authority aforesaid, That it shall and may be lawful, to and for each of the said corporations, at all times hereafter, and at any place where they shall have constructed a canal, lock, embankment, dyke, pond, dam or other improvement, to take and make use of the water contained therein, or in either of them, either for mills, or any other hydraulic works, which the said corporations respectively, may erect or cause to be erected, or to let the use of such water to any person whomsoever, for the use of mills or other hydraulic works, or for irrigating any lands, or for supplying bleach grounds, tan pits, brick yards, or to any other purpose to which such water is capable of being applied; and the neat profits or rents, resulting therefrom, to distribute amongst the stockholders, in proportion to their respective shares, as a free gift from the people of this State, exclusive of, and over and above, the per centage which the said companies are by the said act permitted to divide, as arising from the toll mentioned in the said act. *Provided always,* that no such use shall be made of the water running thro' or standing in any canal, lock, river or creek, if the canal, lock, creek or river, at the place where such water shall be taken therefrom, shall by such use be rendered incapable of carrying vessels drawing two feet of water, when laden. *And provided further,* that the monies which may be laid out, or expended by either of the said companies, on any special works which they may erect by virtue of this clause, shall not be considered as any part of the principal sum expended, on which the said companies are allowed by the act hereby amended, to compute the interest which may be taken by them respectively.

Lands un-
der water
vested in
corporation.

And be it further enacted by the authority aforesaid, That all the land under the water in the Mohawks river, which may be occupied by the corporation first above mentioned for the purpose of constructing any canal, lock, dyke, embankment or dam, for the improvement of the navigation thereof, shall be, and hereby is, vested in the said corporation and its successors, for and during the existence of the said corporation and no longer; and for the purposes aforesaid, as a free gift from the people of this State, saving and reserving to the people of this State, the right to all lands under the water not so occupied as aforesaid, to be appropriated as the legislature shall from time to time direct; and that all the lands under the water in Hudsons river, which may in like manner be occupied by the said corporation last mentioned, in the preamble to the first section of this act, shall in like manner be vested in the said corporation and its successors, and for the like purposes, and under the like saving and reservation as a free gift from the people of this State. *Provided always,*

Dams on
the Hud-
son river.

And be it further enacted by the authority aforesaid, That no dam or dams shall be erected in Hudsons river, other than where a canal shall run from the water raised by such dam, to communicate with the water below the water now navigable, or to be rendered navigable by the said company; and such dams shall not be higher than is necessary for the works with which they are connected; and that nothing in this act shall be construed to prevent any person or persons from passing over such dam or dams, with rafts of timber, boards or other lumber, when the water running over such dam or dams, shall be of sufficient depths for the passage of such rafts, without injuring the dam or dams, and

that without paying any toll for such passage. *And provided also*, that in every such dam across the said river, a flood gate, sluice, or other proper device, shall be constructed to admit the passage of fish ascending the said river, and to be constantly kept open, except in winter, when for the greater safety of the dam, gate, sluice or other device, the same may be closed. *And provided also*, that in every dam to be erected across the said rivers Hudson or Mohawk, a flood gate, sluice or other proper device, shall be constructed to admit the passage of fish ascending the said rivers. *And provided also*, that no net, seine, fuyck, or other contrivance, for taking fish, or preventing their ascending the said rivers, shall be used or placed by any person or persons whomsoever, within the distance of five hundred yards of such sluice, gate or other device as aforesaid, under the penalty of ten pounds for every such offence, to be recovered with costs of suit, before any justice of the peace, by any person or persons who shall prosecute for the same, one half whereof shall be for the use of the poor of the town where such offence shall be committed, and the other half to and for the use of the person or persons, who shall prosecute for the same.

And whereas, by the eleventh section of the said act, it is enacted, that the tolls on vessels passing thro' the said improved navigation, shall be computed according to the tonnage of such vessels, and that the toll on timber, boards, plank and scantling, shall be estimated in proportion to the toll on the tonnage of such vessels, by means whereof as much toll may be exacted from vessels passing empty, as from those full laden. For remedy whereof.

Be it further enacted by the authority aforesaid, That it shall be optional with each and either of the said corporations respectively, to make such discrimination in the toll to be demanded for empty or for laden vessels, as they shall think proper; and that it shall be further in their discretion respectively, to estimate and establish the toll to be taken for passing any lock or other improvement, either according to the tonnage of vessels or rafts passing thro' or by the same, or by charging a specific toll on every particular article transported thro' such canal, lock or other improvement of the said navigation: *Provided always*, that the aggregate toll on any particular articles, shall not exceed upon a ton weight of such articles, the sum which the said corporations are respectively permitted to charge and take by the said eleventh section, any thing in the said act to the contrary hereof notwithstanding.

Toll charges, how computed.

And be it further enacted by the authority aforesaid, That the annual election for directors in each of the said corporations respectively in manner prescribed by the said act, shall henceforth be held on the second Tuesday of January in every year; and that the first election for directors shall be held on the second Tuesday of January next ensuing the passing of this act.

Annual election of directors.

And be it further enacted by the authority aforesaid, That no non-user or mis-user, heretofore omitted neglected or done, or which may hereafter and before the second Tuesday of January next ensuing the passing of this act, be omitted neglected or done, shall operate so as to defeat or work an injury to either of the said corporations, any thing in the said act to the contrary notwithstanding.

Non-user or mis-user.

And be it further enacted by the authority aforesaid, That the stock, interest and shares, of and in the said several corporations, shall be deemed and considered, as personal property, to all intents and purposes whatsoever.

Stock declared personal property.

CHAP. 9.

AN ACT to erect a town in Clinton county.

PASSED the 28th of December, 1792.

Peru, town
of, erected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the Monday preceding the first Tuesday of April next, all that part of the town of Platts-Burgh, and that part of the town of Willsburgh, in the county of Clinton, beginning on the line dividing this State from the State of Vermont, on an east point from the south east corner of a tract of land granted to John Friswell, from thence running west on the south line of the tract aforesaid, unto the south west corner thereof, then north, to Platts-burgh patent, then west on the south line of the patent aforesaid, and the same course westward, to the west bounds of the county of Clinton, from thence southerly on the line last aforesaid, until it comes opposite to the south line of a grant of three thousand, six hundred acres of land, granted to Matthew Adgate, then east to the south line last aforesaid, and the same course continued to the line dividing this State, from the State of Vermont aforesaid, then northerly, on the east line of this State, to the place of beginning, shall be, and hereby is erected into a separate town by the name of Peru; and that the first town meeting in the said town of Peru, shall be held at the dwelling house of Samuel Jackson, in the said town.

Platts-
burgh.

And be it further enacted, That all the remaining part of the town of Platts-burgh, shall continue to be, and remain a separate town by the name of Platts-burgh.

Willsburgh

And be it further enacted, That all the remaining part of the town of Willsburgh, shall continue to be and remain a separate town, by the name of Wills-burgh.

Powers,
etc., of
town of
Peru.

And be it further enacted, That the freeholders and inhabitants of the said town of Peru, shall be, and hereby are empowered to hold town meetings, and elect such town officers, as the freeholders and inhabitants of any town in this State, may do by law; and that the freeholders and inhabitants of the said town of Peru, and the town officers to be by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties as the freeholders, inhabitants and town officers of the other towns in this State, are entitled and subject to by law.

Division of
the poor.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall, by notice to be given for that purpose by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns, previous to the division thereof; between the said former towns, and the town erected into a separate town, in an equitable manner. And if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid, then in such case, the supervisors of the county of Clinton, shall at their next meeting, apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them most just and equitable: And the said towns thereafter respectively shall maintain their own poor.

CHAP. 10.

AN ACT to alter the boundary line between Stephen Town and Petersburg, in the county of Rensselaer.

PASSED the 4th of January, 1793.

WHEREAS it hath been represented to the legislature, that the division Preamble.
line of the aforesaid towns, has been found inconvenient to some of the
inhabitants, residing in Stephen Town. Therefore,

Be it enacted by the people of the State of New York, represented in Stephen-
town and
Peters-
burgh
boundary
changed.
Senate and Assembly, That all that part of Stephen Town to the north
of the following boundary, to wit, beginning on the line that divides the
aforesaid town, at the east line of Abel Lewis's farm, and to extend
thence along the summit of a certain mountain, in the north part of
Stephen Town, and the range of that summit continued easterly to the
east boundary of this State, shall be, and hereby is annexed to, and
shall hereafter be considered part of the town of Petersburg, any thing
in the act for dividing the towns therein mentioned, passed the eight-
teenth day of March, one thousand seven hundred and ninety one, to
the contrary notwithstanding.

And be it further enacted, That it shall and may be lawful, for the col- Tax in
Stephen-
town, col-
lection of.
lector of taxes, in the said town of Stephen Town to collect all arrears
of taxes already laid in the said town, of and from the several and
respective inhabitants, that are annexed by this act to the town of
Petersburgh, in the same manner as they could have done, if this act
had not been passed.

CHAP. 11.

AN ACT for building a court house and gaol in the county of Rensselaer.

PASSED the 11th of January, 1793.

Be it enacted by the People of the State of New York, represented in Rensselaer
county, tax
levy for
court-
house and
jail.
Senate and Assembly, That the supervisors of the several towns in the
county of Rensselaer, for the time being, or the major part of them,
shall be, and they are hereby authorized and required, to direct to be
raised and levied, on the freeholders and inhabitants of the said county,
the sum of six hundred pounds, for the purpose of building a court
house and gaol in the said county, with the additional sum of one shil-
ling in the pound, for collecting the same; which sums shall be raised,
levied and collected, in the same manner, as the other necessary and
contingent charges of the said county, are levied and collected.

And be it further enacted, That the supervisors of the county afore- Supervis-
ors to ap-
portion
quotas.
said, shall at their meeting on the last Tuesday of May next, quota the
said sum of six hundred pounds, together with the said sum of one
shilling in the pound for collecting the same, among the several towns
in the county aforesaid.

And be it further enacted, That the said sum of six hundred pounds, When tax
to be paid.
shall be paid into the treasury of the said county, on or before the first
day of October next.

Commissioners of construction.

And be it further enacted, That Cornelius Lansing, Jacob C. Schermerhorn, Abraham Ten Eyck Mahlon Taylor and Jacob D. Vanderheyden, shall be the commissioners, to superintend the building of the said court house and gaol; and that the said commissioners, or the major part of them, shall and may contract with workmen, and purchase materials for the erecting the same, and shall from time to time, draw upon the treasurer of the said county for the money for the purpose aforesaid, that shall come into the treasury, by virtue of this act; and the treasurer is hereby required, to pay to the order of the said commissioners, or the major part of them, the several sums of money to be by them drawn for, for the purpose aforesaid: And it is hereby made the duty of the said commissioners, to account with the supervisors of the said county, for the money, which they shall have so received, when they shall be thereunto required.

Fees of treasurer.

And be it further enacted, That it shall and may be lawful for the treasurer, to retain in his hands, the sum of three pence in the pound, for his trouble in receiving and paying out the money to be raised and paid by virtue of this act.

Where court-house to be built.

And be it further enacted, That the court house and gaol, so to be built, shall be erected and built within sixty rods of the dwelling house of Stephen Ashley in the village of Troy in the town of Troy, in the said county.

Site, selection of.

And be it further enacted, That the aforesaid commissioners, or the major part of them, are hereby authorized and required, to determine and fix upon some suitable place, for erecting and building the aforesaid court house and gaol, within sixty rods of the dwelling house of Stephen Ashley aforesaid.

And whereas it appears to the legislature, that Jacob D. Vanderheyden and others, inhabitants of the village of Troy, in the town aforesaid, have promised and agreed, to pay the sum of one thousand pounds, for erecting and building a court house and gaol, in the said county of Rensselaer to such commissioners as should be by law appointed to build and erect the same. Therefore

Donation of inhabitants of Troy, how applied.

Be it further enacted, That the said sum of one thousand pounds shall be, and is hereby made payable to the treasurer of the said county, for the time being, for the purposes aforesaid, and which sum is hereby made payable to the said commissioners, and they shall be accountable for the same, in like manner, as the other monies, in and by this act directed to be raised.

CHAP. 12.

AN ACT to explain the act entitled "An act for raising money for building a court house and gaol in Washington county.

PASSED the 14th of January, 1793.

Preamble.

WHEREAS by the act entitled "An act for raising money for building a court house and gaol in Washington county," the supervisors of the several towns in the said county were authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, a sum not exceeding nine hundred pounds, and that the said supervisors at their meeting in May last, should determine on the quota which each respective town in the said county should pay of the said sum, and that the one half part thereof should be paid into the treasury of the said

county, on or before the first Tuesday in November last, and the other half part thereof, on or before the first Tuesday in November next. *And whereas* it hath been represented to the legislature, that the supervisors aforesaid at their last May meeting, did quota the one half part of the nine hundred pounds only, that being the sum to be levied and collected for that year, and doubts having arisen, whether by the above mentioned act, the supervisors of the said county, are authorized to direct to be raised and levied the remaining half part at their next May meeting. For remedy whereof

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawfull, for the said supervisors of the county of Washington, and they are hereby authorized to direct to be raised and levied on the freeholders and inhabitants of the said county, the remaining half part of the sum of nine hundred pounds, with the additional sum of one shilling in the pound for collecting the same in the manner directed by the said act. Tax levy in Washington county for courthouse and jail.

CHAP. 13.

AN ACT relative to the gaol and the courts of common pleas, and general sessions of the peace, in the county of Tioga, and the place of holding town meetings in Richfield, in the county of Otsego.

PASSED the 14th of January, 1793.

WHEREAS some of the inhabitants of the county of Tioga, have erected a building for a gaol at New Town Point, in the town of Chemung in the said county. Therefore, Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the passing of this act, the said building shall be deemed the gaol of the said county, until other legislative provision shall be made in the premises. Jail of Tioga county.

And be it further enacted, That the courts of common pleas and general sessions of the peace, for the said county of Tioga, shall from and after the first day of April next, be held on the first Tuesday in May, October and February in every year; and shall be held alternately at the house of Joshua Whitney esquire, at Chenango, in the town of Union, and that at the said building now erecting for a gaol at New Town Point, in the town of Chemung; and may continue and be held until the several Saturdays following, inclusive; and that the court of common pleas and general sessions of the peace, to be held in and for the said county of Tioga, on the fourth Tuesday of January next, shall at the end of the term, be adjourned to the first Tuesday of May next, to be held at the said building now erecting for a gaol at New Town Point aforesaid. Courts in Tioga county.

And whereas in and by the sixth section of an act, entitled "An act for dividing the towns therein mentioned," passed the tenth day of April, one thousand seven hundred and ninety two, the first town meeting of the town of Richfield, in the county of Otsego, is directed to be held at the house of John Van Cliff, which is now represented to the legislature to have been a mistake, no such person residing within the said town. Therefore.

Richfield,
town meet-
ing in.

Be it further enacted, That the first town meeting in the said town of Richfield, shall be held at the house now occupied by Obediah Beardsley, any law to the contrary in any wise notwithstanding.

CHAP. 14.

AN ACT for prescribing the times, places and manner of holding elections for senators, to represent this State in the senate of the Congress of the United States of America.

PASSED the 14th of January, 1793.

United
States
senators,
how
elected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the senators to be chosen in this State, to represent this State in the senate of the Congress of the United States of America, shall always be chosen in the same manner that delegates to represent this State in the general Congress of the United States of America, are directed to be appointed by the constitution of this State. And whenever any senator or senators to represent this State in the senate of the Congress of the United States of America shall be chosen as aforesaid in this State, copies of the resolutions of the senate and assembly of this State testifying such choice, signed by the president of the senate and the speaker of the assembly of this State for the time being, shall be thereupon delivered to the person or persons so chosen a senator or senators to represent this State in the senate of the Congress of the United States of America as aforesaid, as evidence of such election.

Id.

And be it further enacted by the authority aforesaid, That on the fourth Tuesday of January next before the expiration of the time for which any senator is or shall be chosen to represent this State in the senate of the Congress of the United States of America if the senate and assembly of this State be then in session and if not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the legislature of this State, an election shall be held in manner aforesaid, at the place where the senate and assembly shall be then sitting, for a senator to represent this State in the senate of the Congress of the United States of America, in the room of such senator so going out of office. And whenever the seat of any senator, chosen to represent this State in the senate of the Congress of the United States of America shall become vacant before the expiration of the time for which he is or shall be chosen, another senator shall be chosen in his room, and in the manner aforesaid, within ten days after the legislature of this State shall have notice of such vacancy, at the place where they shall be then sitting.

Act, how
long to
remain in
force.

And be it further enacted by the authority aforesaid, That this act shall continue and be in force until forty days after the first meeting of the legislature, after the first day of January, which will be in the year of our Lord one thousand eight hundred.

CHAP. 15.

AN ACT to ascertain and settle the limits and boundaries between the patent of Kayaderosseres and the Half Moon patent, and to bind the title of the respective claimants.

PASSED the 19th of January, 1793.

WHEREAS a controversy has subsisted between the proprietors of a Preamble. tract of land in the county of Saratoga, known by the name of the patent of Kayaderosseres, and the proprietors of a tract of land originally granted to Anthony Van Schaick commonly called the Half Moon patent, respecting the bounds of the said respective patents.

And whereas the said controversy impedes the cultivation of the county, and cannot be finally determined in the usual course of law, without a number of suits, which from the circumstances of the case, would require to be tried by foreign juries, with much inconvenience to the public, and expense to the parties.

And whereas the proprietors of the said patents respectively, are numerous and some of them infants, and others under coverture, which renders it impracticable to make any determination of the said controversy binding upon all the parties interested, without the aid of the legislature.

And whereas the agents for the proprietors of the said respective patents, did agree that they would unite in an application to the legislature, for an act appointing commissioners, finally to determine and ascertain the boundary lines between the said respective patents; and that Egbert Benson of the county of Dutchess, Samuel Jones of the city of New York, Jesse Woodhull of the county of Orange, Cornelius C. Schoonmaker of the county of Ulster, and Peter Cantine of the county of Dutchess, be the commissioners for that purpose.

And whereas the said agents have made such joint application by their petition to the legislature, with which it appears reasonable to comply. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the said Egbert Benson, Samuel Jones, Jesse Woodhull, Cornelius C. Schoonmaker and Peter Cantine, or any three of them, to hear and examine the said controversy, and finally by writing under the hands and seals of them, or any three of them, to fix ascertain and determine, the boundary line or lines between the said respective patents; which determination shall be final and conclusive, as to all rights, titles and interests, derived under the letters patent whereby the said lands called Kayaderosseres, and the said lands called the Half Moon, were respectively granted to the original proprietors of the said lands; and shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title property and interest of such lands, as shall be so determined to lie within the said patent called the Half Moon patent, in such person and persons, and with such estate and estates, as the same would be vested in, and held by, if the same had been undoubtedly included in the letters patent granted as aforesaid to the said Anthony Van Schaick, and in like manner, shall to all intents constructions and purposes whatsoever, absolutely vest the right title property and interest of such lands as shall be so determined to lie within the said patent called Kayaderosseres, in such person and persons, and with such estate and estates, as the same would

Commissioners to determine controversy over title to lands.

be vested in, and held by, if the same had been undoubtedly included in the said patent called Kayaderosseres, and not within the said patent to Anthony Van Schaack, so that all and every person or persons any thing having or claiming in the said land by virtue of the said patent to Anthony Van Schaack, shall be utterly barred and excluded from having or claiming any estate, right, title or interest, in such of the said lands, as shall be so as aforesaid determined to be within the bounds of the said patent called Kayaderosseres, and all and every person and persons any thing having or claiming in the said lands, by virtue of the said patent called Kayaderosseres, shall be utterly barred and excluded from having or claiming any estate, right, title or interest, in such of the said lands, as shall be so as aforesaid determined to lie within the bounds of the said patent to Anthony Van Schaack.

Provided always, that nothing herein contained, shall be deemed, construed or extended, to affect the estate, right, title or interest, of the people of this State, or of any person or persons, or body politic or corporate, not deriving title by, from or under either of the said respective patents, any thing herein contained, to the contrary thereof, in any wise notwithstanding.

Oath of
commissioners.

And be it further enacted, That each of the said commissioners shall before he executes any of the duties prescribed in and by this act, take the following oath before one of the justices of the supreme court of this State, to wit,

"I do hereby solemnly swear, that I will well and truly execute the trust reposed in me, in and by the act entitled "An act for settling the line or lines of division between the patent of Kayaderosseres, and the patent commonly called the Half Moon Patent, to the best of my knowledge and ability, so help me God."

View of
premises.

And be it further enacted, That the said commissioners, before the making of their said determination, shall take a view of the premises in question.

Examina-
tion of
witnesses.

And be it further enacted, That the said commissioners or any three of them, shall be, and are hereby empowered and required, to summon any person or persons to appear before them, when and as often as the said parties, or either of them, shall think necessary, to be examined and give evidence touching the matters in controversy, and to bring with them all such books, deeds, papers, or other written evidence, as the said parties or either of them, shall from time to time think proper, and the said commissioners, or any one of them, are hereby authorized and empowered to administer an oath or affirmation to the witnesses to be examined before them, to declare the truth touching the matter in question; and if any person or persons, being summoned by writing, subscribed by any one or more of the said commissioners, and duly served on such person or persons, at least eight days before the time required by such summons, for his her or their attendance, shall refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring or produce such written evidence as shall be required by the said summons, every such person so refusing or neglecting, shall forfeit and pay for every such refusal or neglect, the sum of one hundred pounds, to be recovered in any court of record having cognizance thereof, by action of debt, to be brought in the name of the person or persons at whose instance such witness was summoned.

Provided always, That no such forfeiture shall be incurred, unless a tender shall have been made at the time of serving such summons, to the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance.

And provided also, That no person shall be compelled to give any evidence, other than such as he would be bound to give upon a trial at common law. Rule of evidence.

And be it further enacted, That if any person shall wilfully and knowingly give false evidence before the said commissioners, or any three of them, touching the said controversy, he or she shall, upon conviction thereof, suffer the pains and penalties inflicted by law, for wilful and corrupt perjury. Perjury.

And be it further enacted, That the determination of the said commissioners, or any three of them as aforesaid, being duly acknowledged or proved in the like form as deeds are by law to be acknowledged or proved, may be entered of record in the secretary's office of the State of New York; and the same, or the record thereof, or an exemplification or true copy of such record, shall be good evidence of such determination, in all courts both of law and equity. Determination to be filed in secretary's office.

And be it further enacted, That the said determination shall be made within one year from the passing of this act. One year allowed.

And be it further enacted, That all the expenses, costs and charges which shall arise and accrue in fixing and ascertaining the said boundary line or lines, between the said respective patents, as herein before is mentioned, or for or by reason of any other matter or thing respecting the execution of the trusts or power herein before specified, (excepting fees to council for advice or assistance upon the hearing of the said controversy, or otherwise) shall be equally paid and borne by the said parties; that is to say the one equal half part thereof, by the proprietors of the eighth allotment in the patent of Kayaderosseres, and the other equal moiety or half part by the proprietors of the Half Moon Patent, which said costs charges and expenses shall be ascertained by a certificate of the said commissioners, or any three of them; and if any of the said proprietors of the said allotments in the said patent of Kayaderosseres, shall neglect or refuse to pay his her or their proportion of the said expenses, within one month after the determination of the said commissioners, or any three of them, shall have been made, it shall be lawful for the said commissioners or any three of them, to sell, grant and convey, so much of the the lands belonging to the said person or persons so refusing or neglecting as aforesaid, in whatsoever part of the said patent of Kayaderosseris they shall think expedient, as may be sufficient to defray his her or their proportion of the said expenses, with interest for the same from the end of the said month: And in like manner if any of the proprietors of the said Half Moon Patent, interested in the said controversy, shall refuse or neglect to pay his her or their proportion of the said expenses, (to be assessed by the said commissioners, or any three of them,) for or within one month after the said determination of the said commissioners or any three of them shall have been made, it shall be lawful for the the said commissioners or any three of them, to sell grant and convey so much of the lands of the person or persons so refusing or neglecting as aforesaid, in whatever part of the said Half Moon Patent they shall think expedient, as may be sufficient to defray his, her or their proportion of the said expenses, with like interest as aforesaid, and the charges of sale; and the deeds of the said commissioners or any three of them, for such land so sold, shall be valid and effectual in the law, to all intents and purposes, against the said persons so refusing and neglecting, and his her and their heirs, and all others claiming or to claim by from or under him her or them, or any of them, at any time hereafter. Costs of proceedings, how payment enforced.

CHAP. 16.

AN ACT for settling of the line or lines of division, between the town of Schenectady, and the patent of Kayaderosseres.

PASSED the 19th of January, 1793.

Preamble. WHEREAS a controversy has for a long time subsisted between the trustees of the town of Schenectady, in the county of Albany, and the proprietors of a tract of land adjoining thereto, and known by the name of the patent of Kayaderosseres, respecting the bounds of the said town and patent.

And whereas the said controversy impedes the cultivation of the country, and cannot be finally determined in the usual court of law, without a number of suits, which from the circumstances of the case would require to be tried by foreign juries, with much inconvenience to the public, and expense to the parties.

And whereas the proprietors of the said patents of Kayaderosseres, are numerous and some of them infants, and others under coverture, which renders it impracticable to make any determination of the said controversy binding upon all the parties interested, without the aid of the legislature.

And whereas the agent for the trustees of the said town, to wit Isaac Vrooman, Abraham Fonda, Abraham Wempel, Hermanus Bradt, Nicholas Veeder, and Gerrit S. Veeder junior, and Daniel Campbell, Dirck Lefferts, James I. Beekman, Nicholas Low and Samuel B. Webb, agents for the proprietors of the said patent of Kayaderosseres, did by articles bearing date the eighteenth day of October last past, agree that they would unite in an application to the legislature, for an act appointing commissioners finally to determine and ascertain the boundary lines between the said town and patent; and that Zephaniah Platt, James Kent and Peter Cantine of the county of Dutchess, and John Cantine and Cornelius C. Schoonmaker of the county of Ulster, be the commissioners for that purpose.

And whereas the said agents have pursuant to the said articles, made such joint application by their petition to the legislature, with which it appears reasonable to comply. Therefore,

Commis-
sioners to
determine
contro-
versy.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the said Zephaniah Platt, James Kent, Peter Cantine, John Cantine and Cornelius C. Schoonmaker, or any three of them, to hear and examine the said controversy, and finally by writing under the hands and seals of them, or any three of them, to fix, ascertain and determine, the boundary line or lines between the said town and patent, which determination shall be final and conclusive as to all rights, titles and interest, derived under the letters patent, whereby the said town of Schenectady, and lands called Kayaderosseres, were respectively granted to the original trustees of the said town, and proprietors of the said lands; and shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands, as shall be so determined to be within the said town, in such person or persons, and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the letters patent, whereby the said town was so as aforesaid granted; and in like manner shall, to all intents, constructions and purposes whatsoever, absolutely vest the right, title,

property and interest, of such lands as shall be so determined to lie within the said patent of Kayaderosseres, in such person and persons, and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the said patent of Kayaderosseres, and not within the said town of Schenectady, so that all and every person and persons, any thing having or claiming in the said lands, by virtue of the said patent of Kayaderosseres, shall be utterly barred and excluded from having or claiming any estate, right, title or interest, in such of the said lands as shall be so as aforesaid determined to lie within the bounds of the town of Schenectady; and all and every person and persons, having or claiming any thing in the said lands, by virtue of any patent to any persons as trustees for the inhabitants of the said town, shall be utterly barred and excluded from having or claiming any estate, right, title or interest, in such of the said lands, as shall be so as aforesaid determined to be within the bounds of the said patent of Kayaderosseres.

Provided always, That nothing herein contained, shall be deemed, construed or extended, to affect the estate, right, title or interest of the people of this State, or of any person or persons, or body corporate or politic, not deriving title by, from or under any patent to the trustees of the said town of Schenectady, or by, from or under the said patent of Kayaderosseres, any thing herein contained to the contrary thereof in any wise notwithstanding.

And be it further enacted, That each of the said commissioners shall, before he executes any of the duties prescribed in and by this act, take the following oath before one of the justices of the supreme court of judicature of this State to wit.

Oath of
commissioners.

"I do hereby solemnly swear, that I will well and truly execute the trust reposed in me, in and by an act entitled "An act for settling the line or lines of division between the town of Schenectady, and the patent of Kayaderosseres, to the best of my knowledge and ability, so help me God."

And be it further enacted, That the said commissioners, or any three of them, shall be, and are hereby empowered to summon any person or persons to appear before them, when and as often as they shall think necessary, to be examined and give evidence, touching the matter in controversy, and to bring with them all such books, deeds, papers or other written evidence, as the said commissioners, or any three of them, shall from time to time think proper, for the execution of the trust hereby reposed in them, and the said commissioners, or any one of them, are hereby authorized and empowered to administer an oath or affirmation, to the witnesses to be examined before them, to declare the truth touching the matters in question; and if any person or persons, being summoned by writing, subscribed by any one or more of the said commissioners, and duly served on such person or persons, at least eight days before the time required by such summons for his, her or their attendance, shall refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring or produce such written evidence as shall be required by the said commissioners, or any three of them, every such person so refusing or neglecting, shall forfeit for every such refusal or neglect, the sum of one hundred pounds, to be recovered in any court of record, having cognizance thereof, by action of debt, to be brought in the name of the person or persons, at whose instance such witness was summoned.

Examination of
witnesses.

Provided always, That no such forfeiture shall be incurred, unless a tender shall have been made at the time of serving such summons, to

the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance.

And provided also, That no person shall be compelled to give any evidence, other than such as he would be bound to give upon a trial at common law.

Perjury.

And be it further enacted, That if any person shall wilfully and knowingly give false evidence before the said commissioners, or any three of them, touching the said controversy, he or she shall upon conviction thereof, suffer the pains and penalties inflicted by law for wilful and corrupt perjury.

Determination, how entered of record.

And be it further enacted, That the determination of the said commissioners, or any three of them as aforesaid, being duly acknowledged or proved in the like form as deeds are by law to be acknowledged or proved, may be entered of record in the secretary's office of the State of New York, and the same, or the record thereof, or an exemplification, or true copy of such record shall be good evidence of such determination, in all courts both of law and equity.

Time limited.

And be it further enacted, That the said determination shall be made within one year from the passing of this act.

Expense of determination, how paid.

And be it further enacted, That all the expenses, costs and charges, which shall arise or accrue in fixing and ascertaining the said boundary line or lines, between the said town of Schenectady and patent of Kayaderosseres, as herein before mentioned, or for or by reason of any other matter or thing respecting the execution of the trust or powers herein before specified, except fees to counsel or advice or assistance upon the hearing of the said controversy, or otherwise, shall be equally paid and borne by the said parties, that is to say, the one equal moiety or half part thereof, by the trustees of the said town of Schenectady, and the other equal moiety or half part thereof, by the proprietors of the patent of Kayaderosseres, in proportion to their interests in the third and fourth general allotments of that patent; and if any of the said proprietors of the said allotments, shall neglect or refuse to pay his, her or their proportion of the said expenses within one month after the determination of the said commissioners, or any three of them, shall have been made, it shall be lawful for the said commissioners, or any three of them, to sell so much of the lands belonging to the said person or persons, so refusing or neglecting as aforesaid, in whatever part of the patent they shall think expedient, as may be sufficient to defray his her or their proportion of the said expenses, with interest for the same from the end of the said month, and the charges of sale; and the deed of the said commissioners, or any three of them, for such land so sold, shall be valid and effectual in the law, to all intents and purposes, against the said person and person so refusing or neglecting, and his, her and their heirs, and all others claiming or to claim by from or under him, her or them, or any of them, at any time hereafter.

CHAP. 17.

AN ACT to divide the towns of Jerico and Union, in the county of Tioga.

PASSED the 19th of January, 1793.

Norwich, town of, erected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all that part of the town of Jerico, lying east of Chenango river, and that part of the town of Union, west of

the said river, bounded northerly, by the north bounds to the said county, easterly on the river Unadilla, southerly, on the north bounds of a tract of land called Fayette, and the south bounds of townships number fourteen and thirteen, being two of the twenty townships, and westerly on the west bounds of the townships number twelve and thirteen, be, and hereby is erected into a separate town by the name of Norwich; and that the first town meeting in the said town, shall be held at the dwelling house of John Harris in the said town.

And be it further enacted, That all that tract of land, lying and being in the said towns of Jerico and Union, bounded northerly on the above described township, westerly, on the east bounds of a tract of land purchased by William S. Smith, called the Chenango Triangle, southerly on the south bounds of the township of Fayette, and easterly on the Unadilla, be, and hereby is erected into a separate town, by the name of Oxford; and that the first town meeting in the said town, shall be held at the dwelling house of Benjamin Hovey in the said town.

And be it further enacted, That all the remaining part of the town of Jerico, be, and remain a separate and distinct town by the name of Jerico.

And be it further enacted, That all the remaining part of the town of Union, shall be, and remain a distinct town, by the name of Union.

And be it further enacted, That the before mentioned towns, shall be considered as divided from and after the Monday next preceding the first Tuesday in April next, and that the freeholders and inhabitants of the said towns respectively, shall be, and are hereby empowered to hold town meetings, and elect such town officers, as the freeholders and inhabitants of any town in this State may do by law, and that the freeholders and inhabitants of the said towns of Norwich and Oxford, and the town officers to be by them elected, shall respectively have the like powers and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town officers of the other towns in this State, are entitled and subject to by law.

And be it further enacted, That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose, by the supervisors of the towns aforesaid, meet together and apportion the poor maintained by the said towns, previous to the division thereof, between the said former towns, and the towns erected into separate towns, in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid, then and in such case, the supervisors of the county, shall at their next meeting, apportion and divide the poor maintained as aforesaid, in such manner, as shall appear to them or a majority of them most just and equitable; and the said towns shall thereafter respectively maintain their own poor.

CHAP. 18.

AN ACT directing the paving Water Vliet street in the county of Albany.

PASSED the 19th of January, 1793.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Stephen Van Renssalaer, Lucas Van Veghten, Jacob J. Lansing, Commissioners to pave Water-

vliet street
in Albany
county;
payment of
expenses.

Robert Kinnear and David Blakely, or any three of them, be and they hereby are appointed commissioners, with full power and authority from time to time, and in such manner as they shall judge most conducive to public convenience, to order and direct, the pitching, levelling, forming and paving the road or street known by the name of Water Vliet street, in the town of Water Vliet in the county of Albany leading from the north bounds of the city of Albany to the south side of the kill or creek commonly called Water Vliet in the town aforesaid, and that for the better effecting the same the said commissioners shall and may, cause an estimate or estimates of the expence to be incurred in the premises, and a just and equitable assessment thereof to be made among the owners or occupants of all the houses and lots intended to be benefited by this regulation in proportion as nearly as may be to the advantage they shall be deemed respectively to acquire thereby; and in order that the same may be impartially performed, the said commissioners shall from time to time appoint five sufficient and disinterested freeholders for every such purpose who shall, before they enter upon the execution of their trust, be duly sworn before any justice of the peace of the said county, to make the said estimate or assessment fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned to the said commissioners and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots, so to be assessed respectively. And such owners and occupants respectively shall thereupon become and be liable and chargeable, and they are hereby required upon demand to pay to such person or persons as shall be authorised by the commissioners, by their order for that purpose to be made in writing, to receive the same and in default of payment thereof, it shall and may be lawful to and for the said commissioners by warrant under their hands and seals, to cause said sum or sums of money so assessed, to be levied by distress and sale of the goods and chattels of the owner or occupant of such house or lot so assessed, and refusing or neglecting to pay the same, rendering the overplus, if any there be, after deducting the sum assessed and the charges of distress and sale, to such owner and occupant, or his or her legal representative. *Provided* that it shall be lawful to and for the said commissioners to direct and establish certain rates at which any labour performed or materials furnished by any such owner or occupant for and towards the compleating of such pavement shall be credited on the said assessment.

Landlord
and tenant
agree-
ments not
affected.

And be it further enacted by the authority aforesaid, That nothing in the preceding clause contained, shall be construed to affect any contract or agreement that hath been or shall be made between any landlord and tenant respecting the payment of any such charges or repairs, but that they shall be answerable to each other in like manner as if this act had never been made; and that in case any money so from time to time to be assessed for the services aforesaid, shall be paid by any person, when by agreement or by law, the same ought to have been borne by some other person, that then it shall and may be lawful to and for the person so paying the same, and he shall be, and hereby is empowered and authorised, to sue for and recover the same, with interest and costs of suit, in any court having lawful cognizance thereof as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

Second as-
essment
where first

And be it further enacted by the authority aforesaid, That if upon the completion of the pitching levelling forming and paving of the above

mentioned street or road, it shall appear to the said commissioners, that a greater sum of money has been bona fide expended in compleating the same, than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said commissioners, to cause a further assessment to be made of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid upon and among the owners or occupants of all the houses and lots before assessed as aforesaid, and to cause the same to be collected in the like manner as herein before directed: And that in case the sum actually expended shall be less than the sum expressed in such estimate and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same were so collected and received as aforesaid, or his or her legal representative.

CHAP. 19.

AN ACT for the relief of Henry K. Van Rensselaer.

PASSED the 19th of January, 1793.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the treasurer of this State, and he is hereby required, on making a settlement with Henry K. Van Rensselaer, to give him credit for the amount of such certificates as shall appear to the said treasurer, to have been delivered, or payments to have been made by the said Henry K. Van Rensselaer, or his agents, to the regiment of militia under his command in the late war, upon his producing receipts or affidavits, to the satisfaction of the treasurer, of such delivery or payment.

And be it further enacted, That the said treasurer shall, and he is hereby required, to stay further proceedings against the said Henry K. Van Rensselaer, for the term of six months after the judgment against him shall have been duly enrolled, signed and docketed.

Provided nevertheless, That the said treasurer shall not pay to Stephen Randall and others, officers and soldiers of the regiment late under the command of the said Henry K. Van Rensselaer, the several sums of money directed to be paid to them, in and by an act entitled, "An act to authorize the treasurer of this State, to pay to sundry persons, the several sums of money therein mentioned, passed the sixth day of April last, until after the expiration of six months from the passing of this act.

CHAP. 20.

AN ACT for raising a sum of money, for the court house and gaol, built in the county of Herkemer, and for authorizing the sheriff of the said county, to remove his prisoners to, and confine them in the said gaol.

PASSED the 19th of January, 1793.

WHEREAS the freeholders and inhabitants of the county of Herkemer have, by their petition, requested the legislature to pass a law, to enable the supervisors of the said county, to raise and levy on the freeholders

and inhabitants of the said county, the sum of one thousand pounds, for the purpose of defraying the expence which has already accrued in building a court house and gaol in the aforesaid county. Therefore,

Tax levy authorized *Be it enacted by the People of the State of New York, represented in Senate and Assembly,* That the supervisors of the several towns, in the said county of Herkemer, for the time being, or the major part of them shall be, and they hereby are authorized and required, to direct to be raised and levied on the freeholders and inhabitants of the said county of Herkemer, the sum of one thousand pounds, with the additional sum of nine pence in the pound, for collecting the same; which said sums shall be raised, levied and collected, as the other necessary and contingent charges of the said county, are levied and collected.

Supervisors, where and when to meet. *And be it further enacted,* That the supervisors of the county of Herkemer, or the major part of them, shall meet at the dwelling house of Nicholas Haldridge in the said county, on the last Tuesday in May, one thousand seven hundred and ninety three, for the purpose of directing the said sum of one thousand pounds, together with the poundage for collecting the same, to be raised and levied; and it is hereby made the duty of the clerk of the supervisors of the said county, to notify the said supervisors of such meeting.

Tax, when to be paid. *And be it further enacted,* That the said sum of one thousand pounds, shall be collected and paid into the treasury of the said county, in manner following, that is to say, six hundred pounds thereof on or before the first Monday of September next, and the remaining part on or before the first Monday of January next.

Payments from treasury. *And be it further enacted,* That it shall be the duty of the treasurer of the said county, and he is hereby required, out of the monies aforesaid, to pay to the order of the commissioners who superintended the building of the said court house and gaol, the sums of money by them drawn for; and it shall be the duty of the aforesaid commissioners to account with the supervisors of the said county, for the monies which they shall so receive, when thereunto required.

Fees of treasurer. *And be it further enacted,* That it shall and may be lawful for the treasurer of the said county, to retain in his hands, the sum of three pence in the pound for his trouble, in receiving and paying out, the monies directed to be raised by this act.

Where courts to be held. *And be it further enacted,* That until further legislative provision be made in the premises, the courts of common pleas and general sessions of the peace for the said county hereafter to be held, shall be held alternately in the aforesaid court house, and at such place in White's Town, as shall by the said courts be directed, by orders to be entered in the minutes of the same courts respectively.

Court-house and jail. *And be it further enacted,* That the court house and gaol, lately erected in the said county of Herkemer, shall be the court house and gaol of the said county.

Removal of prisoners. *And be it further enacted,* That the sheriff of Herkemer, shall, on or before the first Monday in March next, remove all prisoners, whether by process directed to the sheriff of Herkemer, or by any court of justice in the same county, from the gaol of Montgomery to the gaol lately erected in the county of Herkemer, and there keep them and each of them in safe custody, until they are respectively discharged by due course of law.

Liability of sheriff. *And be it further enacted,* That the sheriff of the county of Herkemer shall not be liable to any action or actions of escape, or other action at law, for removal of the said prisoners, or either of them; and that if any action, bill, plaint, suit or information, shall be commenced or prose-

cuted against the said sheriff for removing the said prisoners, or either of them, in pursuance of this act, it shall be lawful for such sheriff to plead the general issue, and to give this act and the special matter in evidence; and if the plaintiff or prosecutor, in any such action, bill, plaint, suit or information, shall become non suit or discontinue, or cease to prosecute the same, or if a verdict or judgment be given against him or her, the defendant shall recover double costs, for which he shall have like remedy, as in other cases where costs are given by law to the defendant.

And be it further enacted, That in case any prisoner or prisoners shall escape from the custody of the sheriff of the said county of Herkemer, during the time of his or her removal, and the sheriff shall not retake such prisoner or prisoners, and confine him or them in the gaol to which he or she ought to have been removed by virtue of this act, within sixty days next after such escape made, the said sheriff shall be liable to all actions for such escape or escapes.

And be it further enacted, That the gaol of the county of Montgomery, ^{Montgomery Jail.} shall not after the removal of the prisoners as aforesaid, be deemed the gaol of Herkemer.

CHAP. 21.

AN ACT for raising a sum of money in arrear from the late manor of Cortlandt, in the county of West Chester, to Abigail Yeamans, executrix of the last will and testament of William Yeamans deceased.

PASSED the 26th of January, 1793.

WHEREAS by a petition of the said Abigail Yeamans, and several ^{Preamble.} papers and documents accompanying the same, it appears to the legislature, that the sum of thirty two pounds, eleven shillings and three pence, was due from the said late manor of Cortlandt in the said county of West Chester to the said William Yeamans in his life time, for keeping and supporting John Putney deceased, a pauper belonging to the said late manor, and committed to the care and keeping of the said William Yeamans, by the overseers of the poor of the same manor, and for the funeral expences of the said John Putney, and that the said sum is still in arrear and due to the said Abigail Yeamans, as executrix as aforesaid.

And whereas no provision by law is made for raising the said sum, and it being just and reasonable that a law should be passed for that purpose. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the supervisors of the said county of West-Chester, for the time being, or a majority of them, to apportion the said sum of thirty two pounds eleven shillings and three pence, amongst the several towns and parts of towns which did compose the said late manor of Cortlandt, in such manner as they shall deem just and equitable, and by their warrant direct the sum they shall apportion to each respective town and part of town which did compose the said late manor of Cortlandt, to be levied and collected in the same respectively, in like manner, as the contingent charges of the county shall be levied and collected; which money when collected, shall be paid to the said Abigail Yeamans, as executrix as aforesaid. ^{Cortlandt, manor of, tax levy on}

CHAP. 22.

AN ACT for the inspection of soal leather in the city of Hudson.

PASSED the 26th of January, 1793.

Sole leath-
er, inspec-
tion of, in
Hudson.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the mayor recorder aldermen and commonalty of the city of Hudson, in common council convened, shall be, and hereby are authorized and directed, to appoint, from time to time, and as often as vacancies by death resignation of office, or otherwise shall happen, one fit person to inspect and weigh all soal leather, that shall be manufactured within the said city of Hudson, or imported or brought into the said city, from any place whatsoever from and after the first day of March next other then such as shall have been inspected in the cities of New York or Albany; which said inspector shall take and subscribe the following oath before the mayor or recorder of the city of Hudson, before he shall be deemed qualified for, or proceed to the execution of the duties enjoined upon him by virtue of this act. "I do solemnly swear, that I will well, faithfully and impartially, according to the best of my skill and understanding, execute, do and perform the office and duty of an inspector and examiner of soal leather, and will not directly or indirectly, by myself or any person or persons under me, or for my benefit, or advantage, buy or sell any soal leather, during the time that I shall continue an inspector of the same, (except for the use of my own family) according to the true intent and meaning of an act entitled "An act for the inspection of soal leather, in the city of Hudson," so help me God."

Penalty for
selling
leather not
inspected.

And be it further enacted, That from and after the first day of March next, no soal leather whatsoever, other than such as shall have been inspected in the cities of New York or Albany as aforesaid, shall be sold, disposed of or used, for any purpose or purposes whatsoever, within the said city of Hudson, until the same shall have been inspected, sealed and weighed by the inspector to be for that purpose appointed by virtue of this act, under the penalty of forty shillings for every such offence, to be sued for and recovered, by an action of debt, with costs of suit, in a summary way, by any person or persons, who will sue and prosecute for the same, before the mayor recorder or any alderman of the city of Hudson; to be levied by process to be directed to the marshal or any of the constables, of the said city, commanding him or them, or either of them to levy the same, by distress and sale of the offenders goods and chattels, one moiety whereof, when so recovered, to be paid to the chamberlain of the city of Hudson, to be applied at the discretion of the mayor, aldermen and commonalty of the said city, to the use of the poor thereof; and the other moiety to the use of such person or persons who shall prosecute for the same.

Fee of
inspector.

And be it further enacted, That there shall be paid to the inspector, for inspecting sealing and weighing every side of soal leather, the sum of four pence one half to be paid by the seller thereof, and the other half by the purchaser.

Marking of
leather.

And be it further enacted, That the inspector shall, and is hereby required to provide himself with proper seals for the purpose aforesaid, and to impress on every side of soal leather, which shall be deemed dry, good and merchantable, his own name, and the word Hudson at full length, and also the weight thereof, and if any person or persons

shall presume to counterfeit such mark or marks, to be made by such inspector, by making any impression or mark on any soal leather, such person or persons so offending, shall forfeit and pay for every such offence the sum of ten pounds to be sued for, recovered, and applied in manner aforesaid.

Provided nevertheless, That all soal leather which upon inspection as aforesaid, shall be found not to be dry, good and merchantable, and which as such shall not be stamped in manner herein before directed, may be used for any other purposes, except being worked into shoes, boots or buckets.

And provided further, That all such soal leather, which shall not on such inspection as aforesaid, be deemed good and merchantable, by the inspector, shall be by him marked with the word bad, and may then be used for any other purpose except being worked into shoes, boots or buckets; and every such inspector is hereby required and directed to keep proper instruments for the purpose of marking such unmerchantable leather accordingly; and if any person or persons, shall presume to work up into shoes, boots or buckets, any soal leather before the same shall have been inspected as aforesaid, or any soal leather which shall be marked with the word bad as aforesaid, such person or persons so offending, shall forfeit and pay for every such offence, the sum of ten pounds, to be sued for, recovered, and applied in the manner before directed.

inferior
leather,
how used.

CHAP. 23.

AN ACT to confirm the partition of the town of Kingsbury, in the county of Washington.

PASSED the 26th of January, 1793.

WHEREAS it hath been represented to the legislature, that difficulties may arise respecting a partition formerly made, of the township of Kingsbury, in the county of Washington, among the proprietors thereof, by reason that the said partition was not completed according to law; therefore,

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the partition of the said town of Kingsbury, among the proprietors thereof, agreeable to the map thereof made, in the month of October, in the year one thousand seven hundred and sixty two, by David Ferris, who surveyed the same, specifying to whom the several parts belonged, and agreed to by certain of the said proprietors, on the eighteenth day of May, one thousand seven hundred and sixty two, shall be, and hereby is confirmed and established, and shall be taken and deemed as valid and effectual, to all intents and purposes, as if the same had been originally made according to law.

Partition of
Kingsbury
confirmed.

Provided, That the said map be duly acknowledged by the said David Ferris, in like form as deeds are by law to be acknowledged, filed and recorded in the office of the clerk of the said county.

CHAP. 24.

AN ACT for the relief of Frederick Weisenfelts.

PASSED the 26th of January, 1793.

Account of
Frederick
Weisenfelts

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the treasurer of this State be, and he is hereby authorized and required, to liquidate the debt due from the said Frederick Weisenfelts to the people of this State on such principles and proofs as to him shall appear proper and just, and having so liquidated the same, and ascertained the amount of the debt so due, it shall and may be lawful to and for the said treasurer on the behalf of the people of this State, to join in a petition with any other creditor or creditors of the said Frederick Weisenfelts, and to state the sum which shall be so found due as aforesaid, to be due to the people of this State, in order to enable the said Frederick Weisenfelts to take the benefit of the act entitled "An act for giving relief in cases of insolvency."

Provided nevertheless, that the said treasurer shall on oath declare, that the debt so by him stated as due to the people of this State, is to the best of his knowledge and belief, true and just.

CHAP. 25.

AN ACT for the relief of Nathaniel Wattles and Medad Hunt.

PASSED the 26th of January, 1793.

Preamble.

WHEREAS by an act passed the sixth day of April one thousand seven hundred and ninety, the sum of eight hundred pounds was appropriated for the purpose of opening and making a road from the Olehoudt on the river Susquehannah, to the river Hudson.

And whereas the commissioners of the land office did contract and agree with Nathaniel Wattles and Medad Hunt, for the sum of six hundred and eighty pounds to effect the purposes aforesaid.

And whereas it hath been represented to the legislature, that the sum of six hundred and eighty pounds will not indemnify the said contractors for the labour and materials expended on the said road. Therefore

Appropriation to
Nathaniel
Wattles
and Medad
Hunt.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the commissioners of the land office are hereby authorized and required to make such enquiry as they may think proper respecting the sums of money expended by the said Nathaniel Wattles and Medad Hunt, the contractors for opening the road from Olehoudt to Cats-Kill; and if it should appear to the said commissioners, that they have expended more money than the agreement specified, in and about the road aforesaid, in consequence of their said contract and that the same was beneficially applied, then and in that case the commissioners aforesaid shall and may certify the same to the treasurer of this State, who is hereby authorized to pay to the said Nathaniel Wattles and Medad Hunt, the amount of such certificate, if the same shall not exceed the sum of one hundred and twenty pounds, as a further compensation to the said Nathaniel and Medad for having completed the road aforesaid.

CHAP. 26.

AN ACT for the relief of Benjamin Birdsall and his associates.

PASSED the 4th of February, 1793.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office, to direct a quantity of the vacant and unappropriated lands in this State equal to ten miles square, to be surveyed at such place to the northward of the Mohawk river, as they shall judge proper, at the expense of Benjamin Birdsall and his associates, being all the persons, who were concerned, or associated in taking leases of the six nations of Indians within this State, and to issue patents to the said Benjamin Birdsall and his associates, their heirs or assigns, in the following shares, to wit, to Robert Van Rensselaer, James Bryant, Ezekiel Gilbert, Dominico Debarge, Benjamin Birdsall, Simon Spalding, Joseph Hamilton, Prince Bryant, Hezekiah Olcott, Peter Bartle, John Bartle, John Graham, Morris Graham, Daniel Niven, Joseph Barnard, John Collins, David Collins, Jeremiah Sabin, Benjamin Chace, William Wall, Henry J. Van Rensselaer, Peter R. Livingston, Benjamin Allen, Seth Jenkins, Henry G. Livingston, Hugh Welsh, Sarah Reed, Ezra Reed, Nathaniel Scribner, Caleb Benton, Bazaliet Sealy, Henry Livingston, Ambrose Lattin, John Livingston, William Hopkins, Charles McKinstry, Garret Ryckman, John McKinstry, Isaac Paris, Peter Bishop, Lark Jennings, William Whiting, Peter Loop, Jacob F. Shaver, William Pearce, Peter Ryckman, John D. B. Douw, Jacob Hy. Wendel, Matthew Visscher, Henry Tremper, Abraham Schuyler, Abraham Cuyler, Peter Schuyler, James Dean, Lawrence Tremper, John Maley, Eleazer Lindsly, Henry Blatner, William Radclift, Henry B. Livingston, William Stewart, Ebenezer Husted, Robert Troup, Benjamin Brown, William Potter, Cotton M. Smith, James Parker, Walter V. Wempel, Obadiah Gore and John Bay, each one share, to John Shephard and Nathaniel Shaw one share, to John White and Andrew White one share, to William Ludlow and Peter Ludlow one share, to Ananias Cooper and Thomas Jones one share, and to William Colbrath and Stephen Hogeboom one share between the persons associated as aforesaid upon the surveyor generals return of the said land, to be laid out into as many lots as there are shares as aforesaid.

Grant of
lands to
persons
named.

CHAP. 27.

AN ACT to confirm a division and exchange of a certain tract of land at Kinderhook, in the county of Columbia, granted to John Hendrix de Bruyn.

PASSED the 4th of February, 1793.

WHEREAS it has been represented by petition to the legislature that a certain division and exchange of a tract of land granted to John Hendrix de Bruyn, by letters patent bearing date the twenty sixth day of December one thousand six hundred and eighty six, was made in the years one thousand seven hundred and fifty one, and one thousand seven hundred

Preamble.

and fifty two, at which periods, the said tract was vested in the legal representatives of Laurens Van Alen, deceased, in nine shares or proprietary rights. That a part of the said land was laid into lots, and the remainder exchanged; that is to say, the land on the west side of Pine-Ridge and Kallekoenebergh, for the land on the east-side thereof, and that a map of the said tract, and of the said division, with explanations thereof, was made by John R. Bleecker, surveyor, and is deposited in the clerks office of the county of Columbia, and that two paper writings of the said exchange, being duly proved, are recorded in the clerks office in the county of Albany. That doubts had been entertained respecting the validity of the said division and exchange, a continuance whereof might prove a source of litigation, and an obstruction to the cultivation and improvement of the said tract. That after so long a possession, the great improvements already made, and the various transmutations of property which have taken place, under the said division and exchange, and the confusion which would result from attempts to invalidate the same, the petitioners had determined, to abide by the said division and exchange, and therefore prayed a confirmation thereof, by a law to be passed for that purpose. *And whereas* the legislature conceive it reasonable, to grant the prayer of the said petition, subject to the saving clause herein contained. Therefore

Division
and ex-
change of
lands con-
firmed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by authority of the same,

That the said division and exchange, so made as aforesaid, shall be, and hereby are, ratified and confirmed; and that the several and respective lots, laid down on the said map, shall be deemed, to have been vested in fee simple, in the whole or in part, in the respective proprietors holding the shares, in the right of which the same were laid down as aforesaid. *And further* that the land not laid into lots, on the west-side of the Pine-Ridge and Kallekoeneberg, shall be deemed to have been duly vested in fee simple in the said proprietors, at that time residing on the said west side. *And further*, that the land not laid into lots on the said east side of the Pine-Ridge and Kallekoeneberg, shall be deemed to have been vested in fee simple by the said exchange, in all the proprietors at that time residing on the said east-side, as well as those not named in the said exchange, as those who were named therein, as tenants in common, according to their several and respective shares and proportions. *And further* that the said map shall remain in the clerks office of the county of Columbia for the time being, and the said map and the explanations thereon, and also the said two paper writings recorded as aforesaid, shall be received and admitted, as evidence in all courts of law and equity.

Provide as
to con-
struction
of act.

Provided always, that neither this act, nor any clause or thing therein contained, shall in any wise affect, or be deemed or construed to affect the right, title, estate, interest or possession of any person or persons holding or claiming, by virtue of any other grant or letters patents in any wise howsoever, nor to any person or persons claiming any right or title derived from or under any other person or persons, other than the said Laurens Van Alen deceased. *And provided also* that nothing herein contained, shall in anywise be construed to affect any right, title, or claim, which Lawrence J. Van Alen and John J. Van Alen or either of them may have or prosecute to, or for any of the said lands lying on the west side of the Pine-Ridge and Kallekoeneberg, but that all and every action or actions, to be brought and prosecuted by them or any of them either in law or equity for any of the said lands, shall and may be maintained or prosecuted, as if this act had not been passed, any thing herein contained to the contrary thereof in any wise notwithstanding.

And be it further enacted by the authority aforesaid, That the remaining undivided land, on the said east side of the Pine-Ridge and Kal-lekoeneberg shall, and may be divided according to the fifteenth section of the act entitled, "An act for the partition of lands." Division of remainder of tract.

CHAP. 28.

AN ACT for the relief of Catharine Paris.

PASSED the 14th of February, 1793.

WHEREAS it hath been represented to the legislature, that Isaac Paris, Preamble.
one of the militia in this State was slain at the battle of Oriska, by the enemy of the United States, and that Catharine Paris, the widow of the said Isaac, hath not intermarried with any person, since the decease of her said husband, and is now in indigent circumstances; in consideration whereof,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer of this State, shall on or before the first of May next, pay to the said Catharine Paris or her order, the sum of thirty pounds, and on the first Tuesday in May in every year thereafter, during her widowhood, the like sum of thirty pounds. Pension to Catharine Paris.

Provided always, That if the said Catharine Paris shall sell, assign or make over the said annual payments, or either of them or any part thereof, then and from thenceforth, this act shall cease and become void. Proviso as to assignment.

CHAP. 29.

AN ACT for giving further time to the new loan officers of Queens county, to loan the monies in their hands not already loaned.

PASSED the 14th of February, 1793.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, for the new loan officers of Queens county, to retain the monies now in their hands belonging to this State, and not already loaned, until the first Tuesday of June next, and all such monies, remaining in their hands after the said first Tuesday in June, for which no borrowers shall have appeared, on, or before that day, shall be by them disposed of, in the manner directed by the twenty fourth section of the act for loaning monies belonging to this State. Loaning of moneys in Queens county; time extended.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, and hereby is made the duty of the said loan officers, to receive borrowers for the said monies, or any part thereof, at any time before the first Tuesday in June, and loan the same out, in such manner as is directed in the abovementioned act, and it shall also be the duty of the said loan officers, to give eight days previous notice in writing, to be fixed up at the court house, and at four other public places in their county, of the time and place by them agreed upon to receive borrowers for the said monies, and shall loan out the same, in any sums they may judge proper, to such persons as shall apply for the same, on such security, and in the same manner, as is directed in and by the said act, "for loaning monies belonging to this State." Borrowers, when may apply.

CHAP. 30.

AN ACT to amend the acts therein mentioned, and for building a bridge across the Wall-Kill, in the county of Orange.

PASSED the 14th of February, 1793.

Preamble. WHEREAS by the twenty fourth section of the act entitled, "An act for the better laying out, regulating and keeping in repair, all common and public highways and private roads, in the counties of Ulster, Orange, Dutchess, Washington, Westchester, Albany and Montgomery" passed the 4th day of May 1784, and the third section of the act entitled "An act relative to the highways and bridges in the towns therein mentioned" passed the 24th day of February 1789, and the fifth section of the act entitled "An act for dividing the counties of this State into towns" passed the 7th day of March 1788, it is enacted, that certain bridges and causeways, in the towns of Goshen, New Cornwall, Warwick and Minisink in the county of Orange, shall be built and kept in repair by a public tax, raised on the inhabitants of the said four towns of Goshen, New Cornwall, Warwick and Minisink. *And whereas* many bridges of considerable importance are neglected by reason of their not being comprised in the said acts, and no provision being made for building and repairing the same. Therefore

Bridges in
parts of
Orange
county,
how cared
for.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same That all the bridges and causeways, mentioned in the above recited acts, which have been made and kept in repair at the joint expense of the towns of Goshen, New Cornwall, Warwick and Minisink in the county of Orange, shall from and after the passing of this act, be built and kept in repair by the commissioners of the highways for the time being in the respective towns in which the said bridges and causeways are situated, and the expense attending the same shall be raised collected and paid by the freeholders and inhabitants of the respective towns, in which the said bridges are so severally situated, in the same manner as the other contingent charges of the county are raised and paid.

Proviso
recited
repealed.

And be it further enacted by the authority aforesaid, That the last proviso in the twenty second section of the first recited act be and hereby is repealed.

Bridge
over the
Wallkill.

And be it further enacted by the authority aforesaid, That the commissioners of the highways for the towns of Goshen, and Minisink are hereby directed and required, to cause a bridge to be erected across the Wall-Kill, at or near the place where the old bridge now stands near the mill of Peter R. Ludlow; and an account of the expences attending the same, shall be transmitted to the supervisors of the county of Orange at their then next annual meeting; and the said supervisors are hereby required and directed to divide the whole amount of such expence, between the said towns of Goshen and Minisink (provided the same shall not exceed the sum of one hundred and twenty pounds) in the proportion that the other contingent charges of the said county of Orange shall be divided between the said two towns, and cause the same to be levied and collected from the freeholders and inhabitants of the said two towns of Goshen and Minisink, and be paid to the county treasurer in like manner as the other contingent charges of the said county are raised and paid, and the said treasurer is hereby directed and required to pay the said monies to the said commissioners, upon their producing an order from the said supervisors for that purpose.

CHAP. 31.

AN ACT to alter the division line between the towns of Shactekoke and Pitts Town in the county of Rensselaer, and for repealing the seventeenth section of the act therein mentioned.

PASSED the 14th of February, 1793.

WHEREAS the division line between the towns of Schactekoke and Pitts Town, in the county of Rensselaer, has been found inconvenient to the inhabitants of both towns. For remedy whereof, Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the first Monday in April next, the division line of the said towns, shall be continued from Veile's or Toll's bridge on the Hosick river, in a direct course to the westernmost corner of Michael Vander Cooks grist mill, in Cooksburgh, and from thence in the same direction to the manor of Rensselaerwyck, any thing in any other law heretofore passed, to the contrary notwithstanding. Stephen-town and Schaghticoke, boundary line.

And be it further enacted, That the contingent charges and expenses of the said towns, that have already arisen, or shall arise before the first Monday in April next, shall be assessed, levied and paid, in the same manner as if this act had not been passed. Contingent charges.

And be it further enacted, That the seventeenth section of the act entitled "An act for dividing the several towns therein mentioned," passed the tenth day of April, one thousand seven hundred and ninety two, be, and hereby is repealed. Section repealed.

CHAP. 32.

AN ACT to authorize the commissioners of the land office to grant letters patent for the lands therein mentioned.

PASSED the 21st of February, 1793.

WHEREAS James Latta, as well in behalf of himself, as in behalf of Moses Latta, Samuel Latta and William Latta, did procure from the commissioners, appointed by law for that purpose, an allotment of a certain tract or parcel of land, situated in the township of Chemung in the county of Tioga, containing three thousand one hundred and thirty acres, as appears by the map and field book, filed by the said commissioners, in the office of the surveyor general of this State. Preamble.

And whereas the said James Latta did transmit the purchase money for the said tract of land, to be paid into the treasury of this State, but owing to some mistake, the same was not paid within the time limited by law for that purpose; and the said James Latta in behalf of himself and his said associates, hath prayed relief in the premises. Therefore,

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That it shall and may be lawful to and for the said James Latta, Moses Latta, Samuel Latta and William Latta, at any time within the space of three calendar months from the time of passing this act, to pay into the treasury of this State, the whole of the purchase money, with lawful interest for the same, from the first day of March, one thousand seven hundred and ninety one, for the said tract Grants of lands of parties named.

of land; and upon such payment, it shall and may be lawful to and for the commissioners of the land office of this State, and they are hereby required and directed, to issue letters patent under the great seal of the said State, in the usual form, to the said James Latta, Moses Latta, Samuel Latta and William Latta, or their legal representatives, for the aforesaid tract of three thousand one hundred and thirty acres of land, agreeable to the boundaries and description mentioned and contained in the map and field book aforesaid: And shall grant like letters patent unto George Hall or his legal representatives for lot number fifty seven, containing one hundred and nine acres; unto Adam Conkle or his legal representatives, for lot number eighty six, containing two hundred and ninety seven acres; unto David Hollbroke, Henry Wells, Abiel Frey and Solomon Tracy, or to their legal representatives respectively, for lot number one hundred and forty, containing two thousand, eight hundred and seven acres; to John Haggerty or his legal representative for lot number one hundred and nine, containing three hundred acres, and to Michael Shaff or his legal representatives for lot number one hundred and ten, containing three hundred and fifty acres, agreeably to the description and boundaries of the said several lots mentioned and contained in the map and field book aforesaid.

Provided always, That the eight persons last mentioned, or their several legal representatives shall, previously and within the space of three calendar months after the passing of this act, have paid into the treasury of this State, the whole of the purchase money for the five lots to be so granted together with the lawful interest accrued subsequent to the first day of March, one thousand seven hundred and ninety one.

And be it further enacted, That it shall and may be lawful for the commissioners of the land office to direct letters patent to be granted to Jellis A. Fonda, late a captain in Colonel Willetts regiment of New York State troops, for the like quantity of lands in like manner granted to officers of the same rank, and of the same regiment by virtue of an act passed the twentieth day of March one thousand seven hundred and eighty one, and an act passed the twenty third day of March, one thousand seven hundred and eighty two, for raising troops on bounties of unappropriated lands.

Whereas Major John Wood of Goshen, whilst a captain of militia, was made a prisoner in an engagement with the enemy during the late war (in which he behaved with the propriety becoming a defender of the liberty of his country) and continued in captivity to the end of the war, in compensation therefore of his services and sufferings.

Be it further enacted, That it shall and may be lawful, to and for the commissioners of the land office, and they are hereby directed to cause to be granted to the said John Wood, the like proportion of unappropriated land, part of the lands set apart for the use of the line of this State, lately serving in the army of the United States, and for other purposes, as has been granted to a captain of the line of this State, serving in the army of the United States.

And be it further enacted, That it shall and may be lawful for the commissioners of the land office, to direct letters patent to be granted to Albert Roosa, late a lieutenant in Colonel Willetts regiment of New York State troops, for the like quantity of lands in like manner granted to officers of the same rank, and of the same regiment, by virtue of an act passed the twentieth day of March, one thousand seven hundred and eighty one, and an act passed the twenty third day of March, one thousand seven hundred and eighty two, for raising troops on bounties of unappropriated land.

Captain
Jellis A.
Fonda.

Major John
Wood.

Lieutenant
Albert
Roosa.

CHAP. 33.**AN ACT relative to the church in Johnstown.**

PASSED the 27th of February, 1793.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all the estate, right, title, interest, claim and demand, of the people of the State of New York, in and to the stone church in the village of Johnstown, in the county of Montgomery, and one acre of land, lying and being in the said village, which acre of land is bounded as follows, to wit, northerly by a lot of ground owned by George B. Troop and a lot owned by Daniel Schovel, westerly, by the main street, southerly by a lot owned by John Grant junior and easterly by a street adjoining the east bounds of the said John Grant's lot, and the lot aforesaid of George B. Troop, and also in and to all that certain tract of land containing about forty acres, heretofore set apart by the late Sir William Johnson for a glebe to the church aforesaid, shall be, and hereby are granted to, and vested in the trustees of the Presbyterian congregation in the village of Johnstown, in the town of Caughnawaga, in the county of Montgomery, and their successors for and during the pleasure of the legislature, reserving nevertheless to the Lutherans in the said town, the use of the said church for four Sundays in each and every year, that is to say, the first Sunday after Easter Sunday, the first after Whitsunday, the last in October and the last in December, and with the like reservation to the Episcopalians in the said town, on the Sundays respectively succeeding those herein mentioned, if required by any number of the last mentioned religious persuasion, not less than ten.

CHAP. 34.**AN ACT appointing additional persons to cancel certain bills of credit of this State.**

PASSED the 27th of February, 1793.

WHEREAS one of the signers of the bills of credit, emitted in pursuance of the statute, entitled "An act to take out of circulation the bills of credit emitted by law, and to emit others as a substitute," is deceased whereby a further legislative provision for cancelling the said bills of credit, is become necessary. **Preamble.** Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the survivors of the signers of the said bills, together with Robert Benson, William W. Gilbert and John Broome, or any three of them, or any three of the survivors of them shall be, and they are hereby authorized to do any and every act, matter or thing required of the persons appointed to sign the said bills of credit, emitted by the authority of the above mentioned act.

Persons named to cancel bills of credit.

CHAP. 35.

AN ACT relative to the streets and highways in the city of Hudson.

PASSED the 27th of February, 1793.

Opening of
streets in
the city of
Hudson.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful to and for the mayor, recorder, aldermen and commonalty of the city of Hudson, in common council convened, by ordinance or bye laws, for such purposes to be made and ordained, from time to time, and in such manner, as they shall judge to be most conducive to the public good, to order and direct the pitching, levelling, forming and paying of such of the streets of the said city within the limits following vizt. Beginning at the river Hudson, on the north line of the farm of Thomas Jenkins which he bought of Jacob J. Van Hoesen, running easterly along the said north line to and across the main road, thence southerly, along the easterly side of the said road, to and across the road leading from the city of Hudson, to the town of Claverack, thence westerly along the southerly side of the said last mentioned road to the house of Ezekiel Gilbert lately occupied by John Mandeville, from thence on a direct line to the mouth of Casawa Kill, thence north west to the most westerly bounds of the said city, thence northerly, and easterly, to the place of beginning; as the mayor, recorder, aldermen and commonalty of the said city, in common council convened, shall from time to time in their discretion by any such ordinance or bye law dissignate and appoint; and that for the better effecting thereof, the said mayor, recorder, aldermen and commonalty, in common council convened, shall and may cause an estimate or estimates to be made of the expense of conforming to any such ordinance or bye law, and a just and equitable assessment thereof, among the owners or the occupants of all the houses and lots of ground, intended to be benefited thereby, in proportion as nearly as may be, to the advantage they shall be deemed respectively to acquire thereby: And in order that the same may be impartially performed, the said mayor, recorder, aldermen and commonalty, in common council convened, shall from time to time appoint five sufficient and disinterested freeholders for every such purpose; who shall before they enter upon the execution of the trust reposed in them, be duly sworn before the mayor or recorder of the said city, to make the said estimate or assessment fairly and impartially, according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned to the said mayor, recorder, aldermen and commonalty in common council convened, shall be binding and conclusive upon the owners or occupants of such houses, and lots of ground, so to be assessed respectively and such owners or occupants respectively, shall thereupon become, and be liable and chargeable, and they are hereby required upon demand to pay to such person or persons as shall be authorized by the said mayor, recorder, aldermen and commonalty by their resolution or order for that purpose to be made in common council to receive the same. And in default of payment thereof, it shall and may be lawful, to and for the mayor, recorder and aldermen of the said city, or any three of them, whereof the mayor or recorder always to be one, by warrant under their hands and seals, to cause the said sum or sums of money so assessed, to be levied by distress, and sale of the goods and

chattels of the owners or occupants of such houses, or lots of ground so assessed, and refusing or neglecting to pay the same; rendering the overplus, if any there be, after deducting the sum assessed, and the charges of distress and sale, to such owners or occupants or his or her legal representatives.

Provided, That it shall be lawful, to and for the said mayor, recorder, aldermen and commonalty, in common council convened, in and by any of the said ordinances or bye laws, to direct and establish certain rates at which any labor performed, or materials furnished, by any such owner or occupant, for and towards the completion of such pavement in the manner and in the proportion directed and prescribed in and by any such ordinance or bye laws, shall be credited on the said assessment.

Proviso as to work done by taxpayers.

And be it further enacted, That nothing in this act contained, shall be construed to affect any contract or agreement, that hath been or shall be made between any land-lord and tenant respecting the payment of any such charges or repairs; but that they shall be answerable to each other in like manner, as if this act had never been made. And that in case any money so from time to time to be assessed for the services aforesaid, shall be paid by any person when by agreement or by law the same ought to have been borne by some other person, that then it shall and may be lawful, to and for the person so paying the same, and he shall be and hereby is empowered and authorized to sue for and recover the same, with interest and costs of suit, in any court having cognizance of the same, as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

Landlord and tenant, relative to.

And be it further enacted, That if upon the completion of any such regulations as aforesaid, it shall appear to the said mayor, recorder, aldermen and commonalty of the said city, in common council convened, that a greater sum of money has been bona fide expended, in completing such regulation, than the sum mentioned in the estimate so made as aforesaid, and actually collected, it shall and may be lawful to and for the said common council to cause a farther assessment to be made of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid, upon and among the owners or occupants of all the houses and lots of ground before assessed as aforesaid, and to cause the same to be collected in the like manner as herein before directed. And in case the sum actually expended shall be less than the sum expressed in such estimate, and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective person or persons from whom the same were so collected and received as aforesaid, or to his or her legal representative.

Second assessment, when required.

And whereas by the thirteenth section of the act entitled "An act for incorporating the inhabitants residing within the limits therein mentioned," passed the 22d day of April one thousand seven hundred and eighty five, it is enacted, that the common council of the said city of Hudson, for the time being or a major part of them, from time to time for ever thereafter should have, full power license and authority to establish, appoint, order and direct the making and laying out all streets, lanes, ways, alleys, highways, watercourses and bridges, not already made or laid out, and also the altering, amending and repairing all such streets, lanes, ways, alleys, highways, water, courses and bridges theretofore made or laid out, or thereafter to be made or laid out, in and throughout the said city, limits and precincts thereof, in such manner as the common council for the time being, or a major part of them shall think or judge to be necessary and convenient for all the inhabitants and travellers there.

Provided always, that in all cases where the property of individuals is affected by the laying out, repairing or altering such streets, ways, lanes, alleys, highways, water courses and bridges as aforesaid, the said common council should proceed according to the mode pointed out to the commissioners of highways for the county of Albany, in and by certain acts of the legislature in such case made or to be made and provided.

And whereas, the mayor, aldermen and commonalty in common council convened, have by their petition represented, that the present mode of assessing labor for making and mending the said street, is very unequal and detrimental to many of the citizens of the said city, for remedy whereof,

Tax levy
for street
purposes.

Be it further enacted, That it shall and may be lawful for the mayor, recorder aldermen and commonalty of the city of Hudson, in common council convened, to raise a sum of money, not exceeding two hundred and twenty pounds for the purpose aforesaid, to be assessed, collected and paid in such manner, as the other contingent charges of the said city, are directed by law to be assessed, collected and paid.

CHAP. 36.

AN ACT to explain and amend the acts relative to the partition of lands.

PASSED the 27th of February, 1793.

Preamble. WHEREAS in and by the fifteenth section of the act entitled "An act for the partition of lands," it is enacted, that where any lands tenements or hereditaments shall be held in common, it shall and may be lawful for the court of common pleas in the county where such lands shall be upon the application of one or more of the owners or proprietors of such lands tenements and hereditaments for partition thereof it being proved to the satisfaction of the court, that the value of the said lands tenements and hereditaments do not exceed five thousand pounds, to appoint three reputable freeholders of the county, commissioners for that purpose. And it is in and by the said section provided that where any houses and lots are so circumstanced that a division thereof cannot be made without great prejudice to the owners or proprietors of the same and the commissioners appointed to make partition of the same shall so report to the court, if it shall then appear to the court that such houses and lots do not exceed in value the sum of three thousand pounds, the court shall thereupon give orders to the said commissioners to sell such house and lot, or houses and lots at public vendue; which said provision was intended only to extend to town lots and the houses thereon, and not to large tracts of land; and whereas doubts have arisen respecting the said provision. Therefore

Lots of
over fifty
acres not
to be sold
on parti-
tion.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That no lot or lots exceeding fifty acres nor any house or houses thereon shall be sold by virtue of the said recited proviso; and that no order shall be made by any court for the sale of any house and lot, or houses and lots, unless it shall appear to such court by satisfactory proof, that the same lot or lots do not contain more than fifty acres, and that the same cannot be divided among the owners without great and manifest prejudice to them.

And be it further enacted by the authority aforesaid, That in all cases where any tenements are ordered by any court to be sold, the commissioners who are to sell the same, shall give at least thirty days notice of the time and place of such sale, and no conveyance shall be given by the commissioners, until such sale shall be by them reported to, and approved of by, the court in which the order for such sale was made; and in case any of the owners shall be absent, his or their proportion of the monies shall be put out at interest, or invested in some of the stock of the United States, by order of the court for his, her or their benefit.

Convey-
ance not to
be made
until sale
approved.

And be it further enacted by the authority aforesaid, That in all cases, where commissioners are appointed by any such court to divide any lands tenements or hereditaments held in common, they shall divide the same into as many parts as there were shares in common when such tenancy in common was first created and no more; and if any of the said parts are held in common by two or more persons, the owners of every such part may apply for, and have a partition thereof among them, or a sale thereof if it cannot be divided according to the directions of the said recited act, and of this act.

Division of
lands, how
made.

And be it further enacted by the authority aforesaid, That if on any of the lands tenements or hereditaments so to be divided by commissioners to be appointed by any court of common pleas, there shall be any improvements made by any owner or proprietor or by any person or persons by consent of any owner or proprietor of such lands tenements or hereditaments, such improvements shall be valued and paid for in the same manner as is directed in and by the sixth section of the act entitled "An act for the partition of lands" and the several acts explaining and amending the same.

Improve-
ments, al-
lowance
for.

And be it further enacted by the authority aforesaid, That the third section of the act entitled "An act to explain and amend an act entitled "An act for the partition of lands" shall be and hereby is repealed.

Section
recited
repealed

CHAP. 37.

AN ACT concerning roads, in the trust of land granted to the troops of this State lately serving in the army of the United States.

PASSED the 27th of February, 1793.

WHEREAS in pursuance of the act entitled "An act to carry into effect the concurrent resolutions and acts of the legislature for granting certain lands promised to be given as bounty lands and for other purposes therein mentioned" certain parts of the tract of land set apart for the use of the troops of this State lately serving in the army of the United States, have been sold, and an overplus of eight thousand nine hundred and sixty one dollars, after defraying the expences accrued in and attending the surveys thereof remains in the treasury of this State.

Preamble.

And whereas in and by the said act, it is directed, that such overplus shall be applied towards laying out and making roads in and through the tract of land aforesaid. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That John L. Hardenbergh, Moses De Witt and John Patterson shall be and they are hereby appointed a board of commissioners for laying

Commis-
sioners
named.

out and making public roads and highways, in the tract of land aforesaid.

State roads
to be laid
out.

And be it further enacted by the authority aforesaid, That the monies in this act and herein after mentioned and directed to be paid to the said commissioners shall be by them appropriated and expended in opening and making public roads and highways in and through the tract of land aforesaid in the following manner vizt. A public road or highway, to begin in the south bounds of the said tract of land, at or near the place where the division line between the townships of Virgil and Cincinatus strikes the said south bounds, from thence the most direct and eligible route to the Onondaga Salt Springs, avoiding as much as possible the Onondaga reservation. Another public road or highway, to begin at or near the place where the present road leading from the Deep Spring to the Cayuga Ferry crosses the out-let of the Owasco Lake, and from thence southerly the most direct and eligible route between Skaneateles and Owasco lakes, and to pass through the townships of Aurelius, Sempronius, Locke and part of Dryden, and to terminate in the road lately marked and opened through the townships of Cincinatus, Virgil, Dryden and Milton to the Cayuga lake. And another public road or highway to begin at or near the place where the last directed road intersects the division line between the townships of Sempronius and Locke, and from thence the most eligible and direct course to the Cayuga lake, and to strike the said lake where a point of land projects into the same, in or near the division line between lots number fifty six and sixty seven in the township of Scipio. And another road to commence on the west side of the said Cayuga lake, as nearly opposite the termination of the last mentioned road as may be, from thence in as direct a route as the nature of the ground will admit of to the Senaca lake, and to strike the said lake at or near the division line between the townships of Romulus and Ovid.

Width of
roads; how
improved.

And be it further enacted by the authority aforesaid, That the roads herein directed to be opened shall be laid out four rods wide, and shall be cleared and opened at least one rod wide. And that it shall and may be lawful for the said commissioners or the major part of them, to make, open and improve the said roads directed to be laid out, by contract or otherwise, in such manner as to them, or a major part of them shall appear most eligible and for the public interest.

Appropriation.

And be it further enacted by the authority aforesaid, That the treasurer of this State be and he is hereby authorized and directed to pay into the hands of the said commissioners, out of the monies mentioned in the recital of this act the sum of two thousand seven hundred dollars, to be applied and expended in making the public roads and highways by this act particularly mentioned and described.

Oath of
commissioners.

And be it further enacted by the authority aforesaid, That each of the said commissioners before he enters on the duties by this act enjoined on him shall take and subscribe an oath before the chancellor or one of the judges of the supreme court, or one of the judges of the court of common pleas in any county within this State, which oath shall be administered and taken in the words following vizt. "I do solemnly and sincerely promise and swear, that I will in all things to the best of my knowledge and understanding well and faithfully execute the trust reposed in me by the act entitled "An act concerning roads in the tract of land granted to the troops of this State lately serving in the army of the United States."

Allowance
to commis-
sioners.

And be it further enacted by the authority aforesaid, That each of the said commissioners shall be entitled for their services and expences, to

the sum of sixteen shillings for each and every day they shall be respectively employed in the said business, to be retained by them out of the monies in and by this act directed to be paid to them.

And be it further enacted by the authority aforesaid, That the said commissioners shall account with the auditor of this State for their wages, and the expenditure of the monies they shall receive from the treasurer aforesaid. Accounts,
audit of.

CHAP. 38.

AN ACT to incorporate the stockholders of the bank of Columbia.

PASSED the 6th of March, 1793.

WHEREAS Thomas Jenkins and others, associated in a company, under the stile of "the president, directors and company of the bank of Columbia, by their petition presented to the legislature, have prayed for the privilege of being incorporated: Therefore, Preamble.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That all such persons as now are, or hereafter shall be, stockholders of the said bank, shall be, and hereby are ordained, constituted and declared to be and continue, until the second Tuesday in May, which will be in the year of our Lord one thousand eight hundred and eleven, a body corporate and politic, in fact and in name, by the name of "The president, directors and company of the bank of Columbia," and that by that name, they and their successors, until that day, shall and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also that they and their successors, by the same name of the president, directors and company of the bank of Columbia, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation. Bank of
Columbia
incorporated

And be it further enacted, That a share in the stock of the said bank shall be four hundred Spanish milled dollars, or the equivalent thereof in specie; and the number of shares, exclusive of any shares, that may be subscribed on the part of the State, shall not at any time exceed four hundred; and subscriptions may be kept open under the direction of the president and directors of the said bank, until the said number of shares be filled; and the whole amount of the stock, estate and property which the said corporation shall hold, including the capital stock or shares above mentioned, shall never exceed in value one hundred and sixty thousand dollars. Capital
stock.

And be it further enacted, That the stock, property and concerns of the said company, shall be managed and conducted by thirteen directors, stockholders and citizens of this State, who shall hold their offices for one year, eight of whom shall be residents of the city of Hudson, and the said thirteen directors shall be elected on the second Tuesday of May in every year, at such time of the day, and at such place in the city of Hudson, as a majority of the directors for the time being shall appoint; whereof public notice shall be given by the said directors, at least sixty days previous to the time of holding the said election; and the said election shall be held and made, by such of the stockholders of the said bank, as Directors,
powers and
duties;
first board.

shall attend in their proper person or by proxy; all elections shall be by ballot, and the thirteen persons who shall have the greatest number of votes at any election, shall be the directors, except two or more persons have an equal number of votes, in such manner, that a greater number of persons than thirteen shall by plurality of votes appear to be chosen as directors; then the said stockholders shall proceed in like manner to ballot a second time; and determine which of the said persons so having an equal number of votes shall be director or directors, so as to compleat the whole number of thirteen: And the said directors, as soon as may be after their election, shall proceed in like manner to elect one of their number to be their president; and three of the directors who shall be chosen in any year, excepting the president, shall be ineligible to the office of director for one year after the expiration of the time, for which they shall be chosen directors; and in case, a greater number than nine of the directors, exclusive of the president who served for the last year, shall appear to be elected, then the election of all such person or persons above the said number having a less number of votes than the said nine persons, so elected as aforesaid, shall be considered as void; and such other of the stockholders as shall be eligible, and have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons; and the president for the time being, shall always be eligible to the office of director; and no stockholder residing out of the city of Hudson shall be eligible to the office of president: If any of the directors resident in the city of Hudson shall remove out of the said city, or any other of the directors shall remove out of this State, the office of such director shall be considered as vacant; and if any vacancy or vacancies shall happen among the directors, by death, resignation or removal, such vacancy or vacancies, shall be filled for the remainder of the year in which they may happen, by a special election, to be held in the same manner, as is herein before directed, respecting annual elections, at such time and place, in the city of Hudson as the remainder of the directors for the time being, or the major part of them, shall appoint; and that the first directors shall be, Thomas Jenkins, Seth Jenkins, Duncan Ingraham, Stephen Paddock, John Thurston, Justus H. Van Hoesen, David Lawrence, Cotten Gelston, William H. Ludlow, William Cantine, Walter V. Wemple, Peter Van Ness and John Livingston, and shall hold their offices until the second Tuesday of May next.

Failure to
elect not
to forfeit
charter.

And be it further enacted, That in case it should at any time happen, that an election of directors should not be made on any day when, pursuant to this act it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved but that it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Voting by
stockhold-
ers.

And be it further enacted, That each stockholder, at elections, and on all other questions, shall be entitled to a number of votes proportioned to the number of shares which he or she shall hold, in his or her name, according to the following ratio; for one share and not exceeding three, one vote; for four shares and not exceeding seven, three votes, for eight shares and not exceeding ten, five votes, and for every seven shares exceeding ten one vote; but no person copartnership or body politic, shall be entitled to more than fifteen votes; and no stockholder unless actually resident within the United States, shall vote on any occasion by proxy.

Dividends
to be made

And be it further enacted, That the directors shall make a dividend of so much of the profits of the said bank, as to them, or a majority of

them shall seem advisable, on the first Monday of August next, and shall thereafter, make half yearly dividends in manner aforesaid.

And be it further enacted, That a general meeting of the stockholders may be called, whenever the directors, or a majority of them, or a number of stockholders, who, in respect to their shares shall be entitled to seventy votes, shall judge proper; of which meeting the directors or stockholders calling it, shall give at least four weeks notice in one of the public papers printed in the city of Hudson, and specify in such notice, the object or objects of such meeting. Meetings of stockholders.

And be it further enacted, That this State shall have a right, to subscribe any number of shares to the said bank, not exceeding in the whole the number of fifty, at any time when they shall by law authorize any person or persons for that purpose; and the State shall have a right, to increase the number of shares, and amount of stock which the said corporation may hold, to the amount of the number of shares so to be subscribed by the State, if the number of shares herein before limited, should be subscribed, before such subscription shall take place on the part of the State. Subscription by State.

And be it further enacted, That every cashier and clerk, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the directors, such cashier in a sum not less than, five thousand dollars, and such clerk in a sum not less than one thousand dollars, with condition for the faithful performance of his duty. Bonds of cashier and clerks.

And be it further enacted, That the said corporation shall not demand, any greater interest, on any loan or discount, than at the rate of six per cent per annum. Rate of discount.

And be it further enacted, That no president, or other director, shall be entitled to any emolument for their services; and that seven directors shall constitute a board for the transaction of business, of whom the president shall be one, except in case of sickness or absence, in which case the directors present, may choose a chairman pro hac vice; and that there shall be quarterly meetings of the said directors, at such times in the year as shall be appointed by the bye laws of the said corporation. Board of directors.

And be it further enacted, That the directors shall have power, to make and prescribe such bye laws, rules and regulations, as they shall judge proper, touching the duties and conduct of the officers and servants, employed therein; and such other matters as appertain to the said bank; and shall have also power, to appoint so many officers, clerks and servants, for carrying on the said business, and with such salaries and allowances, as to them shall seem meet. By-laws and rules.

And be it further enacted, That the total amount of the debts, which the said corporation shall at any time owe, by bond, bill, note, or other contract, over and above the specie then actually in the bank, shall not exceed three times the sum of the capital stock, subscribed and actually paid into the bank; and in case of such excess, the directors under whose administration it shall happen, shall, in case of loss, be liable for the same; in their natural and private capacities; but this shall not be construed, to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with the said excess; but such of the said directors, who may have been absent when the said excess was contracted, or may have dissented from the resolution or act whereby the same was so contracted may respective exonerate themselves from being liable, by giving immediate notice of the fact, and of their absence or dissent to the stockholders at a general meeting, to be called for that purpose. Debts, limitation of.

Lands, limitation of.

And be it further enacted, That the lands, tenements and hereditaments, which it shall be lawfull for the said corporation to hold, shall be only such as shall be requisite for its accommodation in relation to the convenient transaction of its business, or such as have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; and the said corporation shall not directly or indirectly, deal or trade, in buying or selling, any goods, wares or merchandizes whatsoever.

Transfers of stock.

And be it further enacted, That no transfer of stock shall be valid until entered or registered in a book or books to be kept for that purpose by the directors, and unless the person making the same, shall previously discharge all debts due by him or her to the said corporation.

Bills, how assigned.

And be it further enacted, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, and so, as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their own name or names; and bills or notes, which may be issued by the said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to the bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect, as upon any private person or persons, if issued by him, her or them, in his, her or their private or natural capacity or capacities and shall be assignable and negotiable in like manner as if they were so issued by such private person or persons.

Act, construction of.

And be it further enacted, That this act be and is hereby declared to be, a public act, and that the same shall be construed in all courts and places, benignly and favorably for every beneficial purpose thereby intended.

CHAP. 39.

AN ACT for the relief of James Robinson, John Moore and John Graham.

PASSED the 6th of March, 1793.

Appropriation to James Robinson and John Moore.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer of this State, shall out of any monies in the treasury not otherwise appropriated, pay to James Robinson, master carpenter, in erecting the government house, the sum of one hundred pounds, as a compensation and for his services in that department; and also to John Moore, master mason, in erecting the said house, the sum of one hundred pounds, in full for his account and for his services in that department.

Appropriation to John Graham.

And be it further enacted, That the treasurer of this State, be and he hereby is authorized and required, to pay out of any monies not otherwise appropriated to John Graham or his order, the sum of twenty three pounds eighteen shillings and three pence, as a compensation for his trouble and expenses in defending a suit prosecuted by Benjamin Smith, against him, for acting as vendue master for the commissioners of sequestration, for the county of Ulster.

CHAP. 40.

AN ACT to enable the corporation of the first Presbyterian church, in the city of New York to hold real and personal estates of the yearly value therein mentioned.

PASSED the 6th of March, 1793.

WHEREAS the corporation of the first Presbyterian church of the city of New York, by their petition to the legislature have represented, that the members of the united Presbyterian congregations of the said city have chosen nine persons to take charge of the temporalities thereof, under the name and style aforesaid pursuant to the act entitled "An act to enable all the religious denominations in this State to appoint trustees who shall be a body corporate, for the purpose of taking care of the temporalities of their respective congregations, and for other purposes therein mentioned. Preamble.

And whereas the said corporation, by their said petition have further represented, that the yearly rent or income of one thousand two hundred pounds, which by the said act they have authority to hold, will not be sufficient to discharge the salaries of their ministers, and the other necessary expences attending their religious worship, and have therefore prayed that the same may be encreased to the sum of two thousand four hundred pounds, which petition appearing reasonable. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said corporation and their successors by whatever name, stile or title they may be hereafter known or called, shall have full power, good right and lawful authority, to have, take, receive, acquire, purchase, use and enjoy, lands, tenements and hereditaments, goods and chattels, and to demise, lease and improve the same or any part thereof to the benefit of such church or churches congregation or congregations, society or societies the temporalities whereof may be under their care, *provided however* That the yearly rent or income of such real and personal estates shall not exceed the sum of two thousand four hundred pounds, any thing in the act aforesaid or in any other act to the contrary notwithstanding. Corporation named may hold estate of yearly value of \$2,400.

CHAP. 41.

AN ACT for the further direction of the treasurer.

PASSED the 7th of March, 1793.

WHEREAS the treasurer of this State is directed in some cases, to give certificates in payment of demands against this State, and debtors to this State are likewise in some cases authorized to make payment in certificates. And whereas those provisions are become improper. Therefore Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That in all cases where the treasurer is by law directed to give certificates in payment of any demand against this State, he shall pay such demand in money, instead of giving a certificate for the amount thereof. Money to be paid instead of certificates

Demands to be paid to State in money, except quit rents.

And be it further enacted by the authority aforesaid, That all acts of this State authorizing any person to pay any debt, demand or sum of money whatsoever in certificates or public securities other than the act providing for the payment and commutation of quit rents, shall be and hereby are repealed, and all such debts and demands except for quit rents shall hereafter be paid in money.

Sale of lands specified.

And be it further enacted by the authority aforesaid, That the treasurer of this State, for the time being, shall be and hereby is directed, to sell at public vendue, all that farm situated at Peek's Kill in the county of Westchester formerly belonging to John Johnson and now vested in the people of this State, and all that certain tract or parcel of land described and known by lot number one in the division of great lot number two, of the Hardenbergh patent in the county of Ulster, containing about three thousand acres, formerly the property of Abraham De Peyster deceased, then treasurer of the late colony of New York and to give good and sufficient conveyances for the same to the purchaser or purchasers, and to their heirs and assigns for ever, which conveyances shall operate as a warranty on the part of the people of this State to the purchaser or purchasers thereof, and to the heirs and assigns of such purchaser or purchasers.

CHAP. 42.

AN ACT for improving John street, in the third ward of the city of New York, and for vesting the right of the people of this State to the lands, left for streets in the city of New York, in the corporation of the said city.

PASSED the 7th of March, 1793.

Preamble.

WHEREAS, it has been represented to the legislature that it is necessary; that the lower end of John street in the third ward of the city of New York, commonly called Golden Hill street, should be enlarged and widened. Therefore,

John, or Golden Hill street, widening of.

Be it enacted by the people of the State of New York, represented in Senate and Assembly, That from and after the tenth day of May, which will be in the year of our Lord one thousand seven hundred and ninety four, the said street which now is only twelve feet four inches wide, at the intersection thereof with Queen street, between the houses of Moses Rogers and Thomas Pearsall, shall be enlarged and widened, as follows to wit, beginning on Queen street aforesaid, at a point eight feet eight inches east of the south west corner of the front of the house of the said Thomas Pearsall, and running thence by a straight line to a point three feet two inches east of the north west corner of the rear of the same house of the said Thomas Pearsall, and from thence in a straight line to the north west corner of the lot of ground of the said Thomas Pearsall on Golden Hill street aforesaid. And that on the south west side of the said street the same shall be enlarged and widened by a direct line to be drawn from the north west corner of the new house lately built by the said Moses Rogers, through the houses and lots of ground of Daniel Tooker, John Harison and John Sproson, to the south east corner of the dwelling house of Alexander Crawford, and to the end, that reasonable satisfaction may be made for such parts of the said lots, as may be necessary for the purposes aforesaid, the mayor, aldermen and commonalty of the city of New York in common

council convened, shall and may treat and agree with the respective owner or owners thereof or with the person or persons respectively interested therein, or with his, her, or their respective, agent or agents, or legal representative or representatives; and if such person or persons, either, any, or all of them, shall refuse to treat and agree in manner aforesaid, then and in such case it shall and may be lawful, to and for the mayor or recorder, and any two or more aldermen, by virtue of this act, by a precept under their hands, and seals to command the sheriff of the said city and county of New York to impanel and return and he is hereby commanded to impanel and return a jury of merchants being freeholders to appear before the mayors court of the said city at any term thereof, not less than three weeks from the date of such precept, to enquire of, and assess the damages due, or that shall accrue to such owner or owners respectively, of such houses and lots of ground, and to notify him, her or them, by notice to be left at his, her, or their most usual place or places of abode, if they respectively shall reside in the said city and county, but if not, then on the premises respectively that may be supposed to be in charge to such jury, at least fourteen days before the return of the said precept, to appear before such mayor's court, at the day, and at the place in such precept to be specified; which jury being first duly sworn, faithfully, and impartially to enquire into, and assess, the damages in question, and having viewed the premises if necessary, or required, by any or either of the owner or owners, agent or agents, or legal representative or representatives thereof, shall enquire of and assess such damages and recompence respectively, as they shall under all the circumstances, judge fit to be awarded to the owner or owners of such respective houses or lots of ground for their respective losses or damages, according to their several and respective interests and estates therein, and the verdict of such jury, and judgment of the said mayors court thereupon, and the payment of the sum or sums of money so awarded or adjudged, to the owner or owners thereof, or tender or refusal thereof, shall be conclusive and binding to all intents and purposes, against the said owner or owners his, her and their respective heirs, executors, administrators and assigns, claiming any estate or interest, of, in or to, the said houses or ground; and it shall be thereupon lawful, to and for the said mayor, aldermen and commonalty of the said city of New York, and their successors, to cause the same ground to be converted to and for the purposes aforesaid.

And be it further enacted, That it shall and may be lawful, to, and for Henry Rutgers, John Broome, Daniel McCormick, John Stagg and George Gossman, or a majority of them upon a full and equitable consideration of all the circumstances attending the same, to determine what part or proportion of all and every of the said sums of money so to be paid, ought to be borne by the said common council in consideration of the general convenience to the citizens of the said city, and what part or proportion thereof, specifying the sum ought to be borne and paid by individual citizens, whose estates in the said street and vicinity thereof will become advanced or increased in value by such improvements, and to make a just and equitable assessment of the last mentioned sum, among the owner or owners of all the houses and lots in the vicinity thereof, according to the benefit they may respectively be deemed to acquire or receive thereby, and that the said persons respectively, before they shall enter upon the execution of their trust, be duly sworn before the said mayor or recorder, to make the said estimate and assessment, fairly and impartially, according the best of their skill and judgment, and a certificate in writing of such estimate and assess-

Commissioners to apportion expense; manner of assessing and collecting.

ment, being returned in writing subscribed by the said persons so appointed or a majority of them, or a majority of the survivors of them, to the said common council, and ratified by them, shall be binding and conclusive upon the owner or owners of such houses and lots so to be assessed respectively, and the said owner or owners respectively, shall thereupon become and be liable and chargeable, and they are hereby required upon demand to pay such person, as shall be authorized by the said common council to receive the same, the sum at which each such respective house or lot shall be so assessed, to be employed and applied for and towards the payment of such losses, and damages, as may have arisen in consequence of the enlargement and alterations hereby intended to be made, to the owner or owners thereof respectively, so as aforesaid by the jury respectively to be assessed, and in a default of payment thereof, or of any part thereof, it shall and may be lawful, to and for the said mayor, recorder and aldermen of the said city, or any three of them, of whom, the mayor or recorder always to be one, by warrant under their hands and seals, to levy the sum and sums of money so assessed by distress and sale of the goods and chattels of the owner or owners of such house and lot so assessed, and refusing or neglecting to pay the same, rendering the overplus, if any there be, after deducting the sum assessed and the charges of distress and sale, to such owner or owners respectively or his, or their legal representative or representatives; and if it should so happen that such owner or owners shall have no goods or chattels, to satisfy the assessment aforesaid, that then and in such case, the same shall be deemed a debt due from the owner or owners thereof, his, her or their lawful representative or representatives, to the mayor, aldermen and commonalty of the said city; and shall be payable to them within three months after such assessment; and moreover, shall become a charge or lien, and prior incumbrance, upon such house and lot of ground into whose hands or possession the same shall then be, or at any time thereafter shall come or descend. And the respective owner or owners of such houses and lots of ground respectively, at the time of such assessment, shall thereupon become and be respectively lyable and chargeable and they are hereby required to pay, to the treasurer or chamberlain of the said city for the time being, who is hereby authorized to receive the same, to the use of the said corporation, the sum at which such houses and lots of ground shall be so assessed as aforesaid, and in default of payment thereof, the same shall and may be recovered, at the suit of the said treasurer or chamberlain, in any court of record within this State, with costs of suit, and no such action or suit shall be abated or discontinued, by the death of the treasurer or chamberlain of the said city, or by his resignation or removal from office, but shall be continued and prosecuted to effect by his successor in office.

Title of
State to
streets
vested in
mayor, etc.

And be it further enacted, That all the estate, right, title, interest, claim and demand whatsoever of the people of this State of, in and to all lands at any time heretofore, left for streets or highways in the city of New York by any person or persons whomsoever, shall be, and hereby is vested in the mayor, aldermen and commonalty of the city of New York, and their successors for the use of streets and highways.

CHAP. 43.**AN ACT for removing obstructions in Croton river and Muddy brook, in Dutchess county.**

PASSED the 7th of March, 1793.

WHEREAS, certain tracts of land, adjoining Croton river, in the towns of Frederick, and South East, in the county of Dutchess, are frequently subject to inundations from obstructions in the said river, which if reclaimed by the removal of such obstructions, and clearing the channels of the said river and brook, would become fit for pasturage and mowing; and the proprietors of the said lands, conceiving that they would be greatly benefited thereby, have by their petition, presented to the legislature, signified their desire to have a law passed for that purpose, therefore,

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That in order to remove the obstructions in the said river and brook, and to clear the channels of the same, the sum of three hundred pounds shall be paid by the proprietors of the said lands, in proportion to the advantages, each shall be deemed respectively to derive, from the removal of the said obstructions, and the clearing of the channels of the said river and brook, which sum shall be assessed upon the said several proprietors, by the persons for that purpose to be elected and chosen, in the manner herein after mentioned; and be collected, paid, laid out, and expended, in defraying the expense of removing the said obstructions, and clearing the channels of the said river and brook, by the other persons for that purpose to be elected and chosen, in manner herein after mentioned; in such manner, as they or a majority of them, shall think proper.

Removal of obstructions in Croton river.

And be it further enacted, That Joseph Crane, Matthew Patterson and Samuel Augustus Barker, or any two of them, shall as soon as conveniently may be, after the passing of this act, call a meeting of the said proprietors at some convenient time and place, to be by them, or any two of them for that purpose appointed, by advertising the same in the newspaper to be printed in the town of Poughkeepsie, in the said county, for three weeks successively; and by public notifications thereof in writing to be put up in three or more of the most public places in each of the said towns of Frederick and South East, and to be previous to such time of meeting; and shall then and there, by plurality of votes of the said proprietors, cause to be elected and chosen, five persons for the making the assessment aforesaid, and also three other persons for the purposes of collecting, paying, laying out and expending the said sum of three hundred pounds, for the purposes aforesaid; and such first mentioned persons, so to be elected and chosen as aforesaid, or a majority of them, are hereby authorized, empowered and required, to assess the said sum of three hundred pounds, in manner aforesaid, and to make returns of such assessments when made, to the persons to be elected and chosen in manner aforesaid, for the purpose of collecting, paying, laying out and expending such money as aforesaid, who are hereby empowered to collect the said sum of three hundred pounds, from the several persons on whom the same shall be assessed as aforesaid; and for that purpose, to sue and prosecute for the same, in case of non payment, in any court within this State having cognizance thereof; and to pay, lay out and expend the same, in effecting the purposes aforesaid, in such manner, as they or a majority of them shall think proper.

Meeting of proprietors; assessors to be elected.

CHAP. 44.

AN ACT to amend an act entitled, "An act for the relief of cities and towns, from such charges as may arise, from bastard children born within the same."

PASSED the 9th of March, 1793.

Preamble. WHEREAS it often happens, that women go out of the county where their lawful settlement is, into another county within this State, and there are gotten with child of such bastard children, and then return, or are sent back to the town, where their legal settlement is; *and whereas* the said law has provided no remedy, against the reputed father of such bastard child or children, who resides in such other county. For remedy whereof

Proceed-
ings to
compel
support of
bastard
child by
father
residing in
another
county.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if any woman shall be delivered of a bastard child, which shall be chargeable, or likely to become chargeable, to any city or town, or shall declare herself to be with child, and that such child is likely to born a bastard, and to become chargeable to any city or town, and shall in either of such cases, on an examination to be taken in writing upon oath, before any one or more justice or justices of the peace of any city, or of any county wherein such town is, charge any person with having gotten her with child in any other county or city within this State, and that such person so having gotten her with child, shall reside, or be in any other city or county in this State, it shall and may be lawful, for such justice or justices, upon application made to him or them, by the overseers of the poor of such city or town, or persons acting as such, or by any one of them, to issue out, his or their warrant, for the immediate apprehending such person so charged as aforesaid, and for bringing him before such justice or justices, or before any other justice of the peace of such city or county, in such case, it shall be lawful, and is hereby made the duty of the constable, or other proper officer, to whom such warrant shall be directed, to carry the same to some one justice or justices of the peace, of such city or county wherein such person resides, or is said to reside, or can be found, so charged as aforesaid, and such justice is hereby required, upon proof being made upon oath, of the hand writing of the justice granting such warrant, to indorse his name on such warrant, which shall be a sufficient authority to the person or persons bringing such warrant, and to all other persons to whom such warrant was originally directed, to execute such warrant in such other city or county where such warrant was indorsed, and to apprehend and take such person, so charged as aforesaid, before the justice who indorsed such warrant, or some other justice of the peace of such city or county, where such warrant was indorsed, and in case such person so apprehended and charged as aforesaid, shall be willing and ready to give security, to indemnify such city or town where such bastard child is chargeable, or likely to become chargeable, or enter into recognizance for his appearance, at the next general session of the peace, to be held in and for the city or county, wherein such town lies, such justice of such other county or city, before whom such person shall be brought, shall and may take such security or such recognizance as aforesaid, in the same manner as the justice or justices of the peace of the proper city or county, might or ought to have done, and the justice so taking

such security or recognizance, shall deliver the same, together with all other proceedings, had or done by him in the premises, to the constable or other person so bringing such person before him, who are hereby required to receive the same, and to deliver over such recognizance and other proceedings to the justice or justices, who originally granted such warrant, or to some other justice of the peace of such county or city, where such warrant was granted, and such justice or justices, are hereby required to proceed on, and with the same, as if the said recognizance and other proceedings, were had or taken by themselves, and such recognizance and other proceedings, shall be as good and effectual in law, to all intents and purposes and of the same force, as if the same had been entered into, taken and acknowledged before a justice or justices of the peace, for the proper city or county, where the said bastard child is chargeable, or likely to become chargeable, and the same proceedings shall be had thereon, and in case such constable or other person, to whom such recognizance and other proceedings shall be so delivered, shall refuse or neglect, to deliver over the same as herein before directed, such constable or other person, shall forfeit the sum of fifty pounds, to be recovered against him by action of debt, bill, plaint or information, in any court of record, by any person who will prosecute or sue for the same, and if such person so apprehended as aforesaid, shall not give such security, or enter into such recognizance, to the satisfaction of the justice before whom such person shall be so brought in such other county or city, then the constable or other person shall take such person so apprehended, before the justice who issued such warrant originally or before one of the justices of the peace, of the county or city where such warrant was issued, and the said justice or justices, shall proceed against such person so charged and so brought before him or them, as they might or ought to have done, if the said person resided in the county or city where such warrant was issued. *And further*, that no action of trespass, false imprisonment, information or indictment, or other action shall be brought, sued, commenced, or prosecuted, by any person or persons whatsoever, against the justice who shall indorse such warrant, for or by reason of his indorsing such warrant, but such person or persons, shall be at liberty to bring or prosecute, his or their action or suit, against the justice or justices who granted such warrant in the same manner as he or they might have done, if this act had not been passed.

And be it further enacted by the authority aforesaid, That if any recognizance already taken, or hereafter to be taken, in any case concerning bastardy, shall become forfeited, such recognizance shall not be estreated and sent into the court of exchequer, but the court of sessions of the peace, to which such recognizance has been, or may be returned, shall in all such cases, direct the clerk of the city or county, to prosecute a suit upon the said recognizance, in the court of common pleas of the city or county, where the person or person who entered into such recognizance can be found; and the money when recovered, shall after deducting the charges of such recovery, be paid by such clerk to the overseer of the poor, of the town or place, for the indemnification whereof, such recognizance was taken, to be applied to the relief of the poor thereof; and it shall be lawful for the court of sessions, into which such recognizance is, or shall be returned, at any time after the forfeiture thereof, to order and direct the clerk of the city or county, to compound for the penalty thereof, in such manner and upon such terms as the said court shall judge proper.

Retreating
of recog-
nizances.

CHAP. 45.**AN ACT to organize the militia of this State.**

PASSED the 9th of March, 1793.

Preamble. WHEREAS, by the constitution of the United States, the Congress has power to provide for organizing, arming and disciplining the militia, and for governing such part of them, as may be employed in the service of the United States, reserving to the States respectively, the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress.

Act of Congress. *And whereas*, the Congress did on the eighth day of May one thousand seven hundred and ninety two, pass an act entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States, which act is in the words following, vizt. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That each and every free, able bodied white male, citizen of the respective States, resident therein, who is or shall be, of the age of eighteen years, and under the age of forty five years (except as is herein after excepted), shall severally and respectively be enrolled, in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty, of every such captain or commanding officer of a company, to enrol every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty five years, (except as before excepted) shall come to reside within his bounds; and shall without delay, notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall within six months thereafter, provide himself with a good musket or firelock a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein, to contain not less than twenty four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: Or with a good rifle, knapsack, shot pouch and powder horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutred and provided, when called out to exercise, or into service, except that, when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword, or hanger and esponton, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition and accoutrements required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes. *And be it further enacted*, That the vice president of the United State, the officers judicial and executive of the government of the United States; the members of both houses of Congress, and their respective officers; all custom house officers, with their clerks; all post officers and stage drivers, who are employed in the care and conveyance of the mail of the post office of the United States; all ferrymen employed at any ferry on the post road, all inspec-

tors of exports, all pilots, all mariners, actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty five years. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battallions, and companies, as the legislature of each State shall direct, and each division, brigade and regiment, shall be numbered, at the formation thereof, and a record made of such numbers, in the adjutant general's office in the State, and when in the field or in service in the State, each division, brigade and regiment shall respectively take rank, according to their numbers, reckoning the first or lowest number, highest in rank. That if the same be convenient, each brigade shall consist of four regiments, each regiment of two battallion, each battallion, of five companies, each company of sixty four privates; that the said militia shall be officered by the respective States, as follows; to each division, one major general and two aids-de-camps, with the rank of major; to each brigade, one brigadier general with one brigade inspector, to serve also as a brigade major, with the rank of a major; to each regiment, one lieutenant colonel commandant, and to each battallion one major, to each company one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer and one fifer or bugler; that there shall be a regimental staff to consist of one adjutant and one quarter master to rank as lieutenants, one pay master, one surgeon and one surgeon's mate, one sergeant major, one drum-major, and one fife major. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battallion, at least one company of grenadiers, light infantry or riflemen, and that to each division, there shall be at least one company of artillery, and one troop of horse; there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six boubardiers, one drummer and one fifer. The officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge box to contain twelve cartridges, and each private or matross shall furnish himself, with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to each troop of horses; one captain, two lieutenants, one cornet, four sergeants, four corporals, one sadler, one farrier, and one trumpeter; the commissioned officers to furnish themselves with good horses, of at least fourteen hands and a half high, and to be armed with a sword and a pair of pistols, the holsters of which to be covered with bearskin caps, each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mailpillion and valise, holsters and a breastplate and crupper, a pair of boots and spurs, a pair of pistols, a saber and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse, shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, nor more in number, than one eleventh part of the infantry, and shall be uniformly cloathed in regimentals, to be furnished at their own expence, the colour and fashion to be determined by the brigadier commanding the brigade to which they belong. *And be it further enacted*, That each battallion and regiment shall be provided with the State and regimental colours by the field officers, and each company with a drum and fife or bugle horn by

the commissioned officers of the company, in such manner, as the legislature of the respective States shall direct. *And be it further enacted*, That there shall be an adjutant general appointed in each State, whose duty it shall be to distribute all orders from the commander in chief of the State, to the several corps, to attend all public reviews, when the commander in chief of the State shall review the militia or any part thereof, to obey all orders from him, relative to carrying into execution and perfecting the system of military discipline established by this act, to furnish blank forms of different returns, that may be required, and to explain the principles on which they should be made, to receive from the several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies, and every other thing, which relates to the general advancement of good order and discipline: All which the several officers of the divisions, brigades, regiments and battalions are hereby required to make in the usual manner, so that the said adjutant general, may be duly furnished therewith; from all which returns, he shall make proper abstracts, and lay the same annually before the commander in chief of the State. *And be it further enacted*, That the rules of discipline approved and established by Congress, in their resolution of the twenty ninth of March one thousand seven hundred and seventy nine, shall be the rules of discipline, to be observed by the militia throughout the United States, except such deviations from the said rules, as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances; it shall be the duty of the commanding officer of every muster, whether by battalion, regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline. *And be it further enacted*, That all commissioned officers shall take rank, according to the date of their commissions, and when two of the same grade, bear an equal date, then their rank to be determined by lot, to be drawn by them, before the commanding officer of the brigade, regiment, battalion, company or detachment. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service he shall be taken care of, and provided for at the public expence. *And be it further enacted*, That it shall be the duty of the brigade inspector to attend the regimental and battalion meetings of the militia, composing their several brigades during the time of their being under arms to inspect their arms, ammunition and accoutrements, superintend their exercise and manœuvre, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall from time to time receive, from the commander in chief of the State, to make returns to the adjutant general of the State, at least once in every year, of the militia, of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing, which in his judgment, may relate to their government and the general advancement of good order and military discipline, and the adjutant general shall make a return of all the militia of the State, to the commander in chief of the said State and a duplicate of the same, to the President of the United States. *And whereas*, sundry corps of artillery, cavalry and infantry, now exist in several of the said States which, by the laws, customs or usages thereof, have not been incorporated with, or subjected to the general regulations of the militia. *Be it further enacted*, That such corps retain their accustomed

privileges, subject nevertheless, to all other duties required by this act, in like manner with the other militia."

And whereas, the reservations contained in the said constitution, relative to the militia of the States respectively, render it necessary, that provision should be made in the premises by the legislature of this State, Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the militia of this State, shall be arranged into four divisions, and that each division shall comprehend one of the great districts of this State, in each of which districts, a major general shall be appointed, and each division shall be formed into as many brigades, and each brigade into as many regiments, and each regiment, into as many companies, as the commander in chief of the militia of this State for the time being, shall in his discretion, from time to time deem meet and proper, and shall also order, that at least one company of artillery, and one troop of horse, be formed from every brigade, or from such of them, as he shall direct and require; and all returns from the militia corps respectively, shall be made out and transmitted, in such manner, and at such time, as the said commander in chief, shall from time to time direct and require.

Arrangement of the State militia.

And be it further enacted, That the militia of this State, shall rendezvous three times in every year, for the purpose of training, disciplining and improving in martial exercise, twice by companies within their respective beats, and once by regiments, except as is herein after excepted. And that each brigadier general shall appoint the regimental parades, at such time and place as he may think proper, as nearly central as may be, within each of the respective regiments; that the time and place of the rendezvous for the companies shall be appointed by the colonel or commanding officer of the regiment, and arranged on different days, that the field and staff officers may have an opportunity of attending the several companies exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment. That the artillery company and troop of horse, belonging to each division or brigade, shall meet at such times and places as shall be appointed for that purpose by the major general or commanding officer of the division.

Rendezvous.

And be it further enacted, That a court martial shall consist of thirteen commissioned officers, who shall appoint their own judge advocate, which judge advocate shall tender to each member, and each member is hereby required to take the following oath; "You do swear, that you will well and truly, try and determine, according to evidence, the matter now depending between the people of the State of New York and the person and persons to be tried, and you do further swear that you will not divulge the sentence of the court, until the same shall be approved or disapproved, pursuant to the act entitled "An act to organize the militia of this State, neither will you upon any account, at any time whatsoever, disclose or discover, the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, by a court of justice in a due course of law, so help you God." And the president is hereby authorized to tender to the judge advocate, who is hereby enjoined to take the following oath. You do swear swear, that you will not upon any account, or at any time whatsoever, disclose or discover, the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness by a court of justice in a due course of law, and that you will not divulge the sentence of this court until the same shall be approved or

Court-martial.

disapproved, pursuant to the act entitled "An act to organize the militia of this State" so help you *God*; and it shall and may be lawful, for the president of any such court, after he shall have received notice of his appointment, and he is hereby required on application to issue his precept directed to any witness or witnesses to be summoned, commanding his, her or their attendance, at the time and place appointed for such court to set, to give evidence in behalf of the people of this State or for the person or persons to be tried (as the case may be) and such witness or witnesses being summoned, and making default shall incur the like fines and forfeitures as are inflicted on witnesses for their default, by the ninth section of the act for the more speedy recovery of debts to the value of ten pounds, passed the seventeenth day of April one thousand thousand seven hundred and eighty seven; and the president of any such court martial shall be, and he is hereby empowered to administer the usual oath to such witnesses as shall come to give evidence to such court, during the time he shall be president thereof, and that if any officer shall be arrested by virtue of this act, the charge shall particularly be set forth in writing and signed by the arresting officer, a copy whereof shall be delivered to such officer, so arrested or left at his usual place of abode within three days after such arrest, and the person so arrested shall not be held to answer to any matter whatever, not set forth in such charge, that every commissioned officer who shall be convicted by a general court martial, of having refused or neglected to perform any of the duties of his office, shall be punished according to the nature and degree of his offence, at the discretion of the said court, either by fine or removal from office.

Proviso as
to fines.

Provided, no fine shall exceed ten pounds for the first offence or fifty pounds for any subsequent offence, and every such fine shall be levied and collected by warrant under the hand and seal of the officer having instituted the court martial or in his absence by the commanding officer of the division, if such court martial was formed from the division or by the commanding officer of the brigade, if such court martial was formed from the brigade, directed to any one adjutant of the brigade or person acting as such to which such officer, on whom such fine is imposed may belong, in like manner, as the fines hereinafter mentioned, to be recovered of the non commissioned officers and privates for neglect or refusal of duty. That the proceedings and sentence of every court martial, by which any officer shall be removed from office, shall be in writing, signed by the president thereof, and shall by him be delivered to the commanding officer of the division or brigade, as the one or the other may have instituted the court martial, to be by him transmitted to the commander in chief of this State, who shall approve or disapprove of the same in orders, and that all other proceedings and sentences of courts martial, shall also be in writing signed by the president thereof, and by him be delivered to the commanding officer of the division or brigade, (as the case may be) who shall approve or disapprove of the same in orders;

Proviso as
to general
officers.

Provided, That no sentence of a court martial on a general officer, shall go farther than removal from office. That all sentences of courts martial by which any officer shall be removed, and which shall be approved by the commander in chief of this State, shall by him from time to time be laid before the council of appointment, to the end, that the person administering the government of this State for the time being, by and with their advice and consent may appoint others instead of the officers so removed from office.

And be it further enacted, That courts martial for the trial of general officers, shall be ordered by the commander in chief of this State, and shall consist of general and field officers taken from a roster to be kept by the adjutant general for that purpose; that courts marshal for the trial of field officers shall be ordered by the commanding officer of the division, and shall consist of commanding officers of brigades, field officers, and if requisite of captains. That courts martial for the trial of officers below the rank of field officers, shall be ordered by the commanding officer of the brigade, and shall consist of field officers and others of inferior rank. That courts martial for the trial of non commissioned officers and privates, shall be ordered by the commanding officer of the regiment, and shall consist of officers not of the rank of field officers. That rosters shall be kept by the proper officers from which such courts martial shall be formed. That the sentence of every court martial shall be approved or disapproved by the officer having instituted the same, saving to the party tried, an appeal to the commander in chief to whom the sentence of every general court martial shall be reported without delay.

Courts-martial,
how
ordered.

And be it further enacted, That every non commissioned officer, who shall neglect to warn the men to appear at any rendezvous mentioned in this act, when thereunto required by his captain or commanding officer without sufficient excuse, shall forfeit the sum of two pounds. That every non commissioned officer or private, who shall neglect to appear when warned, in pursuance of this act without sufficient excuse, shall for every day he neglects to appear at the regimental or battalion rendezvous, forfeit the sum of sixteen shillings; and for every day he neglects to appear at the company parade, forfeit the sum of eight shillings, and if he shall not be armed and equipped according to the directions of this act, when so appearing, without sufficient excuse, he shall for every deficiency, forfeit the sum of one shilling and appearing without a musket the sum of four shillings.

Penalties
for failure
to appear
when
warned.

Provided always, That none of the fines aforesaid, or any other other * arising from offences in a regiment or company thereof, any company of artillery or troop of horse, other than for disobedience of orders under arms, shall be levied on any delinquent, until he shall have been summoned to appear before a board of officers, to be instituted as herein after directed, that he may shew cause why such fine should not be levied, and all fines which such board shall determine as proper to be exacted, shall be levied by warrant from the president of such board, to one or more sergeants or corporals of the regiment or company, to which the offender belongs, whose duty it is hereby made to collect the same, by distress and sale of the goods and chattels of the offenders respectively. And in case any such defaulter shall live with his father or mother, or shall be then an apprentice or indented servant, the master or mistress, or father or mother, (as the case may be) shall be liable to pay the said fine, with costs, and in default of payment the said sergeant or corporal shall levy the same upon the goods and chattels of such father or mother, or master or mistress, and all fines arising from any offences within any brigade, shall when recovered be paid to such person, as the commanding officer of the brigade shall appoint for the purpose, and as much thereof shall be appropriated by the order of the said commanding officer, as he shall think proper for the purchase of such colours, drums and fifes, for the different corps in the brigade, as may be requisite, and the residue, if any there be, for the purpose

Proviso as
to collection
of
penalties.

* So in original.

of purchasing such arms, as are designated in the first section of the act herein before recited, to be deposited as the said commanding officer shall direct, to be delivered in case of invasion or insurrection, to such of the militia of the brigade, as may be destitute of arms, to be returned whenever thereupon required, by the commanding officer of the brigade, regiment or company, and in case any or either of the said sergeants or corporals to whom such warrants shall be directed as aforesaid, shall neglect his duty in the premises, he shall for every such neglect, forfeit the sum of twenty four shillings, to be levied and collected in manner aforesaid, by a like warrant, which monies, when collected, shall be paid and appropriated in manner aforesaid, and that it shall be the duty of the person receiving such fines, once in every year to render an account to the brigadier or officer commanding the brigade, of all his receipts and expenditures in pursuance of this act.

Boards to
levy fines
on delin-
quents.

And be it further enacted, That the commanding officer of a brigade shall institute, as many boards of officers, each to consist of not less than three, nor more than five, as there are regiments in his brigade, who shall, from time to time, convene at such place, and at such times as the commanding officer of the brigade shall direct. To the president of each of which boards, all returns of delinquents from the corps designated in the brigade orders shall be made, which president shall direct the delinquents on a day, and at a place certain, to be summoned to appear before the said board, and to shew cause why the fines incurred by them should not be levied, and it shall be in the discretion of such board, to cause the fines to be levied in manner aforesaid, either in the whole or mitigated in their discretion or remitted, and for such as the board shall direct to be levied, warrants shall issue in manner herein before directed.

Comman-
der-in-chief
may order
out militia
in case of
invasion,
etc.

And be it further enacted, That the commander in chief of this State for the time being, may in case of invasion or other emergency, when he shall judge it necessary, order out any proportion of the militia of this State, to march to any part thereof, and continue as long as he may think necessary, and likewise may, in consequence of an application from the executive of any of the United States, on an invasion or insurrection, or an apprehension of an invasion of such State at his discretion, order any number of the militia not exceeding one third part thereof to such State.

Provided, That they be not compelled to continue on duty out of this State, more than forty days at any one time; that while in actual service in consequence of being so called out, they shall receive the same pay and rations, and be subject to the same rules and regulations, as the troops of the United States of America.

Exemp-
tions from
militia
duty.

And be it further enacted, That in addition to persons exempted from militia duty by the law of the United States herein before recited, there shall be and hereby are exempted by this act from such duty as aforesaid, the following persons vizt. the lieutenant governor of this State, members of both houses of the legislature of this State, and their respective officers, the chancellor, the chief justice, and other justices of the supreme court, judge of the court of probates and all other judicial officers of this State, secretary, treasurer, attorney general and auditor for this State, surveyor general, register and clerks of courts, sheriffs, coroners, constables and gaolers, two ferry men employed to each boat, the surrogates in the several counties, all ministers and preachers of the gospel, physicians and surgeons, except in their several professions and callings, the professors, teachers and students in all colleges and academies within this State, all schoolmasters engaged for

at least three months, all post riders, the actual attendant of every grist mill, and all firemen belonging to companies now established, or which hereafter may be established by law within this State, and also all persons actually employed as overseers, manufacturers and labourers at any furnace, forge, or bloomery for making iron, all such persons so employed at any furnace for making iron castings; all such persons so employed at any glass house, for making glass, during the time they are so actually employed notwithstanding their being above eighteen and under forty five years of age.

And be it further enacted, That all persons being of the people called Quakers. Quakers, who would otherwise be subject to military duty, by virtue of this act, and who shall refuse personal military service, shall be exempted therefrom, on paying annually the sum of twenty four shillings each, for such exemption, such sum to be assessed on each of them respectively, by the assessors, and collected by the collectors of the districts wherein they respectively reside, with the contingent charges of the county, and paid to the county treasurer, who shall pay the same into the treasury of this State, to be applied towards the support of the government; and it is hereby made the duty of every captain of infantry, within three months, after he shall have received his commission, and yearly and every year thereafter on the first Tuesday in May in every year, to make a list of the names of all and every person and persons within his beat, who being of the people called Quakers, shall neglect or refuse personally to perform military service, and deliver such list in the city of New York to the clerk of the said city, and in each of the other counties of this State, to the supervisors of the town, where such person or persons so neglecting or refusing to perform military service shall respectively reside; and the clerk of the said city of New York shall forthwith after receiving such lists, deliver the same to the mayor, aldermen and commonalty of the said city, in common council convened; and the mayor, recorder and aldermen of the city of New York, or any three of them, in the said city, and the supervisors or a major part of them, of each of the other counties of the State respectively, shall at their first meeting, after the delivery of such lists, cause tax lists to be made out, according to such lists so delivered, with warrants thereon, under their hands and seals, directed to the collector of the ward or town in which such persons named in such lists, respectively reside, for levying the sum of twenty four shillings of the goods and chattels of each of the persons named in the same lists, and the said collectors are hereby respectively authorized and required, to demand and receive of each of the persons named in such tax list; the said sum of twenty four shillings, and in default of payment, such collector shall levy the said sum of twenty four shillings, by distress and sale of the goods and chattels of the person so neglecting or refusing to pay the same, and in case any person named in such tax list, shall be under age and live with his father or mother, shall be then an apprentice or servant, the master or mistress, or father or mother, as the case may be, shall be liable to pay the said sum of twenty four shillings, for such person so under age; and in default of payment, the collector shall levy the same by distress, and the sale of the goods and chattels of such father or mother, master or mistress, and the said respective collectors, shall respectively pay the said monies, to the city or county treasurer, deducting their fees for collecting, on or before the first Monday in January in every year; and the county treasurers shall respectively pay the same to the treasurer of this State, deducting his fees for receiving the same, on or before the first Monday in March in every year. And

the collectors and county treasurers, shall have the like fees for collecting and receiving the said monies, as they are respectively entitled to, for collecting and receiving the monies, raised for defraying the necessary and contingent charges of the said city or counties.

And whereas, from the dispersed situation of the inhabitants residing within the counties of Otsego, Tioga, Herkemer, Ontario and Clinton they would be subject to great expence and difficulty, if they were obliged to attend regimental parades. Therefore,

Militia of
certain
counties,
rendez-
vous of.

Be it further enacted, That it shall and may be lawful for the militia of the said counties of Otsego, Tioga, Herkemer, Ontario and Clinton to rendezvous by regiments or battalions, as the major general or commanding officer of the division may direct.

Ordering
out of
militia by
command-
ing officers

And be it further enacted, That it shall and may be lawful to and for any major general of a division or commanding officer of a brigade, or commanding officer of a regiment, when and as often as, any invasion may happen, to order out the militia or any part thereof, under their respective commands for the defence of this State, giving notice of such invasion and every circumstance attending the same, as early as possible to their immediate commanding officer, by whom such information shall be transmitted with the utmost expedition to the commander in chief of this State. And that in cases of insurrections, the commanding officer of the regiment within the limits of which any such insurrection may happen, shall immediately assemble his regiment under arms, and having transmitted information thereof, to the commanding officer of the brigade, and to the commander in chief of this State, shall proceed to take such measures to suppress such insurrection, as to any three of the judges or justices of the county, in which such insurrection shall happen, shall appear most proper and effectual. And if any person be wounded or disabled while in actual service of this State, in opposing any invasion or insurrection or in suppressing the same, he shall be taken care of and provided for at the expence of this State.

Provided always, that if such judges or justices, shall deem a greater number of militia requisite to quell such insurrection, they shall and are hereby required to apply for the same, to the commanding officer of the division or any brigade thereof, who are hereby severally required to obey such requisition.

Penalties
for certain
neglects;
collection
of.

And be it further enacted, That every non commissioned officer and private, who shall neglect or refuse to obey the orders of his superior officer while under arms, shall forfeit twenty shillings for every such offence, and if any such non commissioned officer or private, enrolled to serve in either of the companies mentioned in this act, shall refuse or neglect to perform such military duty or exercise, as he shall be required to perform, or shall depart from his colours or guard, without the permission of his superior officer as aforesaid, he shall forfeit the sum of twenty shillings, and for the non payment thereof the offender shall be committed to gaol, by warrant from the captain or commanding officer to the troop or company then present, to which such offender doth belong, there to be confined until the fines as aforesaid, together with the gaolers fees are paid; and the respective sheriffs of the respective cities and counties of the State, are hereby empowered and required to receive the body or bodies of any offender or offenders, as shall be brought to them by virtue of a warrant or warrants under the hand and seal of any officer by virtue of this act, and him or them to keep in safe custody, until such fines as are mentioned in such warrant, together with the gaolers fees as aforesaid, shall be paid or until the said offender or offenders shall be discharged by due course of law; and the sheriffs

and gaolers respectively shall be allowed the same fees as are allowed in other cases.

Provided, that in case of a military guard, where a captain doth not command in person a warrant granted by an inferior officer, who shall have the command of such guard, shall be of the same authority against all offenders, as if such warrant had been issued by such captain.

And be it further enacted, That from and after the first day of January next, the military uniforms of this State shall be as follows, that is to say, general officers; dark blue coats, with buff facings, linings, collars and cuffs and yellow buttons, with buff under cloaths. Regimental and staff officers; dark blue coats, with white linings, scarlet facings, collars and cuffs, and yellow buttons with white under cloaths. Non commissioned officers and privates of the *granadier* and light infantry companies; dark blue coats, with white linings, scarlet facings, collars and cuffs, yellow buttons and white under cloaths. Uniforms, of what to consist.

And be it further enacted, That it shall and may be lawful, to and for the major general or commanding officer of any division respectively, in the counties of Montgomery, Otsego, Tioga, Herkemer, Ontario and Clinton, if he shall deem it expedient, to direct the light infantry and riflemen of such division, to uniform themselves in rifle frocks and overalls. Id., in certain counties.

And be it further enacted, That every commissioned officer, who shall from time to time be appointed, shall report his acceptance of the office within ten days after having received notice thereof, to such officer or officers, as the commander in chief shall from time to time direct. Acceptance of commissions.

And be it further enacted, That all persons who have heretofore been commissioned officers in the line of the army of the United States, and all officers who have served in the militia of levies of this State, or in the militia or levies of any of the United States, or in the militia or levies of the late colony of New York, shall be, and hereby are exempted from serving in the militia of this State, any thing in this act to the contrary notwithstanding. Certain former officers, exemptions of.

Provided nevertheless, That if any such officer shall be commissioned in the militia, to a rank equal to that which he held in the said army, militia or levies, and shall refuse to accept such commission, such officer so refusing, without giving satisfactory reasons to the council of appointment for such refusal, shall be liable to serve in the militia.

And provided also, that this exception shall not extend to any such persons being officers, who have gone over to, and joined the enemy in the late war.

Provided also, that no commissioned officer shall resign his commission without first making application to the major general or commanding officer of the division to which he belongs, and stating his reasons in writing for the same, which resignation and reasons shall be transmitted by the said commanding officer, to the commander in chief of the militia of this State, together with his opinion thereon, and in case any officer sends in his resignation to the commander in chief, and the same be accepted by the council of appointment, without having pursued the mode herein prescribed, such officer shall be liable to do duty in the militia as a private. Proviso as to resignations.

And be it further enacted, That the officers of the militia under the existing militia laws of this State, shall be, and hereby are continued in their respective offices under this act, until the person administering the government of this State for the time being, and council of appointment shall otherwise determine. Present officers continued.

Acts
repealed.

And be it further enacted, That from and after the seventh day of October next, the act entitled "An act to regulate the militia" passed the fourth day of April one thousand seven hundred and eighty six, and the act entitled "An act to amend an act entitled "An act to regulate the militia" passed the eighteenth day of April one thousand seven hundred and eighty seven, and the thirty first section of an act entitled "An act directing the settlement of public accounts, and for other purposes therein mentioned" passed the twenty second day of March one thousand seven hundred and eighty eight, be and hereby are repealed.

CHAP. 46.

AN ACT concerning the settlement of lands, and for prolonging the time for payment of quit rents.

PASSED the 9th of March, 1793.

Inquisi-
tions
to deter-
mine what
patented
lands are
forfeited
to the State
by non-
compliance
of con-
ditions of
settlement.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the secretary of this State for the time being, shall, and he is hereby enjoined, as soon as conveniently may be, after the first day of January one thousand eight hundred and one, to make out an abstract of all lands granted by letters patent under the great seal of this State, which contains a condition of actual settlement specifying the time limited, in and by such letters patent for such actual settlement, and shall deliver such abstract to the surveyor general for the time being, who shall, and he is hereby enjoined without delay, after the day above mentioned, to make enquiry, and if he shall find that any such lands granted on the condition aforesaid, shall not then be so actually settled, he shall give notice thereof to the attorney general of this State for the time being, who shall without delay cause a writ to be issued out of the court of chancery and directed to the sheriff of the county in which the same land shall be situated, in the form following, The people of the State of New York, to the sheriff of greeting; whereas by our letters patent under our great seal bearing date (reciting the same letters patent) and because we are informed that such settlement (or settlements as the case may be) as the law requires hath not (or have not, as the case may be) been made thereon by reason whereof the same lands ought to revert to us; therefore we command you, that by the oath of twelve, good and lawful men of your bailiwick, you diligently enquire whether such settlement (or settlements as the case may be) hath (or have as the case may be) been made on the said lands or on any and what part thereof as the law requires, and the inquisition which you shall take thereof, do you send under your seal and the seals of those by whose oath you take the same inquisition before us in our court of chancery without delay, wheresoever the said court shall then be, together with this writ; and the sheriff shall upon receiving such writ, affix a copy thereof upon the front door of the court house or place where the courts of common pleas and sessions of the peace in his county were then last held, with a notice of the time when, and place where, the same writ is to be executed, which time shall not be less than sixty days from the time of fixing the same notice in the manner aforesaid, and upon the return of the same writ any person aggrieved by the inquisition thereupon taken may traverse the same; and when any issue shall be joined thereupon, the record thereof shall be sent into the supreme court of judicature of this State, there to be tried and determined

according to law; and if judgment shall be given thereupon for the people of this State, then a writ shall be issued out of the same supreme court, to the sheriff of the same county, commanding him to seize and take the lands found to be so unsettled into the hands of the people of this State; but if no such traverse shall be taken to such inquisition within three terms after the return of the same inquisition, then such writ shall immediately thereafter be issued out of the court of chancery commanding the sheriff to take and seize the lands found by the inquisition to be so unsettled into the hands of the people of this State, and upon the return of such writ of seizure, the attorney general, shall cause the record and process to be exemplified under the seal of the court out of which the same writs of seizure issued and deposit such exemplification in the office of the secretary of this State; and all such lands so found to be unsettled, shall be thereafter disposed of and appropriated in such manner and for such purposes as the legislature shall direct.

And be it further enacted, by the authority aforesaid, That the time limited for the payment of quit rent and commuting therefor, passed the twenty fourth day of March one thousand seven hundred and ninety one, be and is hereby prolonged, until the first day of May, one thousand seven hundred and ninety six, on the terms and conditions mentioned in the said act. Quit rents,
time of
payment
extended.

And be it further enacted, by the authority aforesaid, That the surveyor general of this State for the time being, shall and he is hereby enjoined as soon as may be, after the first day of January one thousand seven hundred and ninety eight to make enquiry if any lands within this State, which were granted while this State was the colony of New York, by letters patent under the great seal of the said colony, and which amongst other stipulations, if any, were granted on condition that actual settlements and improvements should be made on the lands so granted within the time specified and limited by such letters patent, and if the said surveyor general shall discover that lands granted under the condition aforesaid, have not been so settled and improved before the day above mentioned, then and in every such case he shall make report thereof to the attorney general of this State for the time being, who shall then as soon as may be, proceed for the recovery thereof to the people of this State, in like manner as is mentioned and directed in the said enacting clause of this act with respect to lands granted under the great seal of this State. Lands held
under
Colonial
grants.

Provided always that nothing in the last preceding section mentioned shall extend to any lands for which the quit rent and commutation for quit rents shall have been paid, or may hereafter be paid, in conformity to law. Proviso as
to quit
rents.

CHAP. 47.

AN ACT to encourage certain cotton, linen and glass manufacturies within this State.

PASSED the 9th of March, 1793.

WHEREAS cotton, linen, and glass manufacturies, have been established within this State. Preamble.

And whereas, it is proper to encourage the same by a loan of money to the proprietors thereof. Therefore,

Appropriation to persons named.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer of this State, be, and he is hereby authorized and directed, out of any unappropriated monies that may be in the treasury after the first day of July next, to advance on loan, to Andrew Stockholm and David Dickson, a sum not exceeding three thousand pounds.

Proviso as to security to be given.

Provided, That the said Andrew Stockholm and David Dickson, shall at the same time enter into bond to the said treasurer, conditioned for the faithful payment of such sum as shall be loaned to them by virtue of this act, in eight years from the date of the said obligation, together with interest for the same at the rate of five per cent per annum, to commence at the expiration of three years after the date of the said obligation; and thereafter to be paid annually, and that the said Andrew Stockholm and David Dickson, shall also duly execute to the said treasurer, a good and sufficient mortgage upon such unincumbered real estate, as the said treasurer together with the attorney general, the auditor and surveyor general, or together with any two of them, shall think sufficient for securing the said money with the interest on the same as aforesaid; which said mortgage, the treasurer is hereby directed to get duly recorded, and to hold the same for the use of the people of this State.

Other persons.

And that the treasurer in like manner, on like terms and conditions, and on like security, out of such monies in the treasury as aforesaid, pay unto James Caldwell and Robert McClallen the sum of three thousand pounds.

CHAP. 48.

AN ACT supplementary to, and to amend the act, entitled "An act for surveying and establishing certain lines and dividing certain lots in the Hardenburgh Patent," passed the twenty ninth March one thousand seven hundred and ninety.

PASSED the 9th of March, 1793.

Preamble.

WHEREAS by the act for surveying and establishing certain lines and dividing certain lots in the Hardenburgh patent, passed the twenty ninth of March, one thousand seven hundred and ninety, Christopher Tappen and James Cockburn, were appointed commissioners to carry into effect certain purposes therein contained.

And whereas the said Christopher Tappen hath set forth by his petition, that the said James Cockburn hath died previous to the completion of the duties enjoined on the said commissioners, by the fourth section of the said act, whereby several lots of land that were advertised for sale, remain unsold; and several lots sold for which no deeds of conveyance have been executed by the said commissioners; for remedy whereof.

Surviving commissioners vested with authority.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said Christopher Tappen, be, and he hereby is authorized and empowered to make and execute deeds of conveyance for such lots as may have been sold; and to dispose of, make and execute deeds of conveyance for such lots, as remained unsold by the said commissioners, agreeably to the direction contained in the said fourth section; which sales and conveyances shall be as effectual and binding on the parties, as if they had been made by the said commissioners, in the life time of the said James Cockburn, any act to the contrary notwithstanding.

CHAP. 49.

AN ACT further to amend the law relative to lock navigation within this State

PASSED the 9th of March, 1793.

WHEREAS, petitions have been presented to the legislature, praying for sundry amendments to the act entitled "An act to amend an act entitled "An act for establishing and opening lock navigation within this State."

Preamble.

And whereas the president of the board of directors, of the western and northern inland lock navigation companies, in their behalf, has signified to the legislature, that in his opinion the alterations herein after specified may be made without materially injuring the important object for which the said companies were instituted. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the president and directors of the said companies, shall not take and occupy a greater extent of land on each side of any canal, dike or other work, incident to the object for which they were incorporated, than twenty feet beyond such work; except where any lock shall be placed, in which case they may take and occupy to the distance of one hundred feet, from the side of such lock, for the whole length of such lock, and for the distance of one hundred feet above and below such lock if in their discretion they shall deem that extent requisite; and also except where a bridge is to be placed over any canal, in which case they may take and occupy one hundred feet, from such canal, and for a space as wide as such bridge, if in their discretion they shall deem such extent requisite.

Extent of land that may be taken.

And be it further enacted, That in all cases where it shall be requisite to appropriate any lands, on which there may be any house or houses, or other buildings, or to appropriate any lands which shall reach to, or approach to or within fifty feet of any house or other building, which shall then be erected on a part of the land so to be appropriated by the said company, the president or an agent of such company, shall give thirty days notice, to the owner or owners, occupant or occupants thereof, before the president and directors of such company, or any or either of their agents, shall take, use or occupy such land; any thing in this, or any other law, to the contrary notwithstanding.

Notice to owner or occupant of houses taken.

And be it further enacted, That in every dam that shall be constructed, in the river Hudson, by the said company, an aperture shall be so constructed, as that not only rafts may descend with facility and safety, but that fish may ascend the river there-through or thereon; and that no toll shall be taken for the passage of such rafts; nor any contrivance for taking fish by nets or otherwise, shall be placed at such aperture by the said president and directors, or by any other person whomsoever, to impede or take fish at such aperture or within five hundred yards above or below such aperture.

Dams in Hudson river.

Provided always, That it shall be optional with the president and directors of the said company, to permit the passage of rafts or not, as they shall deem proper, through any canal, lock or other work, to be erected or made in or by the river Hudson as aforesaid; other than through or over any dam in the said river; and if such permission shall be granted, the party giving and the party requiring the same, shall

Proviso as to passage of rafts.

agree upon the quantum of toll for such raft, without any regard to the limitation of toll stipulated in the original act, by which the said company was incorporated.

CHAP. 50.

AN ACT concerning conveyances by British subjects.

PASSED the 9th of March, 1793.

Preamble.

WHEREAS great difficulties have arisen in proving deeds of conveyance and powers of attorney for the sale or disposition of lands lying within this State, made by British subjects actually residing within the kingdom of Great Britain, to citizens of this State; for remedy whereof,

Acknowledgments may be taken before the mayor of London.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all acknowledgements and proofs of such deeds and conveyances to a citizen of this State, of any lands, tenements or hereditaments, situate in this State, or any power of attorney relating to the sale or disposition of the same, taken or made, or hereafter to be taken or made, before the mayor of the city of London for the time being, and duly certified under the seal of the office of mayoralty of the said city of London, shall be of the like validity and force, as if the same was taken or made before a judge of the supreme court of this State.

CHAP. 51.

AN ACT relative to the lands appropriated by this State to the use of the Oneida Onondaga and Cayuga Indians.

PASSED the 11th of March, 1793.

Agents to treat with certain Indians for releases of lands to the State.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Israel Chapin, John Cantine and Simeon De Witt shall be and they are hereby appointed, agents on the part of the people of this State for the purposes herein after mentioned, that is to say; to convene the Indians of the Oneida, Onondaga and Cayuga nations, severally, and at their usual place of residence, and being so convened to propose to the said nations severally, that they should quit claim to the people of the State, so much of the rights reserved to them in the lands appropriated to their use by this State, as they may think proper to dispose of, and that for every square mile of the lands, to which the rights so by them to be quit claimed, the people of the State shall pay the said Indians an annuity not exceeding the sum of five dollars in perpetuity, the first payment whereof shall be made on the execution of such quit claim by the said Indians. That the lands to which the rights shall be so quit claimed, shall be surveyed at the expence of the people of this State in the presence of such Indians as chuse to attend, and of such persons as they may appoint to attend and inspect such survey. That the said agents shall propose to the said Indian nations severally to appoint a time and place, when and where, the said annuity, and that which they are already severally entitled to, shall hereafter be paid.

That the said agents shall propose to the said Indian nations severally, that the attorney general of this State for the time being, and the clerk and the treasurer for the time being, of the county in which any of the lands, the rights to which the said Indians may chuse to retain shall be situated, and the successors in office of the said officers, shall be vested with the property, the rights whereof the said Indians shall chuse to retain as trustees for the said Indians, to prevent any encroachments on the said rights and property, and to bring suits for trespasses thereon, and to prosecute the same to effect for the benefit of the said Indians; and in case the said Indian nations, or either of them shall agree to such proposal and shall convey the rights so to be retained for the use of the said Indians to the said officers and their successors, then and from thenceforth the said officers shall be vested with the said property in the manner and for the purposes aforesaid.

And be it further enacted by the authority aforesaid, That the treasurer of this State for the time being, shall pay unto the said agents, or unto the order of any two of them, a sum not exceeding three thousand five hundred dollars, out of any monies in the treasury not otherwise appropriated, out of which sum the said agents shall pay the first annuities in manner herein before mentioned, and also such reasonable charges incident to the due execution of the trust reposed in them by this act, as shall accrue, and having made such payments, shall account with the auditor of this State for the time being, and repay the ballance, if any, into the treasury. Appropriation.

Provided always, and be it further enacted, That if the said commissioners shall purchase or obtain a grant of the said Indians for the said reservations, for and in behalf of the people of this State, it shall not be lawful for any person or persons whosoever, to make any locations on the said reservations, or for the commissioners of the land office to sell or grant the same, in any manner whatsoever, without further provision by law, any thing in any law to the contrary thereof in any wise notwithstanding. Proviso as to locations on lands released.

And be it further enacted by the authority aforesaid, That any two of the said agents, shall be a quorum to discharge any of the duties required of them by this act, and that it shall and may be lawful for the said agents to retain out of the monies entrusted to them, for their services and expences, the sum of twenty shillings per day for each day they shall severally be actually employed in the service committed to them. Two agents may act; compensation.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said agents, and they are hereby directed to make such agreements and stipulations with the said Indian nations severally, as they may think necessary for making such public roads through such parts of the land, the rights whereof are to be by them retained as aforesaid as may be necessary and proper. Public roads.

And be it further enacted by the authority aforesaid, That as soon as the said agents shall have performed what by this act is enjoined on them, they shall make a written report of all their proceedings in the premises, to the person administering the government of this State for the time being, to be by him laid before the legislature at their next meeting, after such report shall have been made. Report of agents.

CHAP. 52.

AN ACT for the payment of certain State agent's certificates.

PASSED the 11th of March, 1793.

Preamble. WHEREAS, by the first section of the act, entitled "An act to authorize the treasurer of this State, to pay to sundry persons the several sums of money therein mentioned," passed the sixth day of April one thousand seven hundred and ninety two, it is enacted, that all persons holding certificates issued by Udney Hay state agent, and countersigned by any one of his assistants, for supplies furnished, or services performed, in pursuance of an act, entitled "An act to procure supplies for the use of the army, and to prevent a monopoly of cattle within this State, and more effectually to prevent supplies of cattle to the enemy," passed June the twenty fourth one thousand seven hundred and eighty, shall, on or before the first day of December next, present the same to the auditor for this State, who is hereby required to examine the evidence in support of the same, and in such cases where the persons producing the certificates shall offer evidence to the satisfaction of the auditor, that the supplies were furnished, or the services performed, for which the certificates were issued, he shall report the same and deliver in the vouchers accompanying such certificates, to the legislature at their next meeting.

And whereas sundry such certificates as aforesaid, have been presented to the auditor, before the first day of December last, and several others of the like kind have been presented to the legislature since that time, and referred to the auditor, which he hath reported on in favor of the claimants as a just debt due from this State. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the auditor for this State, shall without delay, deposit with the treasurer of this State, a just and true schedule or accounts of all such State agent's certificates, as have been by him examined, approved of, and reported to the legislature, at this present session: And the treasurer of this State is hereby authorized and required, to pay out of any monies in the treasury not otherwise appropriated, unto the holders or bearers of such certificates mentioned in such schedule respectively, such sum or sums of money, with interest to the first day of May, one thousand seven hundred and eighty seven, as shall appear to be due thereon, in discharge of the same; and the said treasurer is hereby also directed to take a receipt from every person or persons to whom he shall make such payment as aforesaid.

Appropriation to pay certain State agent's certificates.

CHAP. 53.

AN ACT to amend an act entitled "An act for laying out, repairing, and improving certain public roads and highways within this State.

PASSED the 11th of March, 1793.

Preamble. WHEREAS Philip Van Cortlandt, Ebenezer Stevens and Ebenezer Purdy, commissioners for laying out and improving the highway in the county of West-Chester have set forth by petition, that they

have explored the post-road from Kingsbridge to the north line of the aforesaid county, and find it impracticable to carry into effect the objects of the aforesaid law, unless the route of the said road, as it now runs, nearly in its whole extent be changed, by which alteration material injury will be done to individuals by passing through their improved lands, and thereby expose them to considerable expence and injury. And whereas they further set forth that essential benefits would result to the community from the alteration of the said post-road as aforesaid. Therefore

Be it enacted by the people of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said commissioners in discharge of the trust reposed in them, by the said act, so to alter and change the direction of the present post-road leading from Kings Bridge through the manor of Philipsburgh to the county of Dutchess as they in their discretion shall deem best calculated to promote the interest and conveniences of the community; and that in every case where the road so to be by them laid out, shall take a direction deviating from the present post-road, they shall out of the public monies entrusted to them, pay the damages which any person or persons shall sustain by any such deviation, to be ascertained in the manner directed by the act entitled, "An act for the better laying out and keeping in repair the public highways and private roads in the county of West-Chester," passed the 24th of February 1792" or by agreement with the proprietor or possessor.

Road from
Kings
Bridge to
Dutchess
county.

Provided always, that where such deviation shall be carried over the property or possession of any person through which the present post-road now leads, and that it shall not be necessary to continue the same as a public highway, the value of the land occupied thereby shall be ascertained by the same persons authorized to value the damages occasioned by such deviation, and be set off against the said damages.

Provided also and be it further enacted, That in case the said commissioners shall expend in erecting the said bridges and repairing the said road any larger sum of money than is allowed for that purpose by this act such excess shall be raised levied and collected, in the county of West Chester as the other contingent charges of the said county are levied and collected.

And be it further enacted by the authority aforesaid and it is hereby enjoined on the said commissioners for the county of West Chester, to proceed without delay to erect and complete the bridge contemplated by the act hereby intended to be built across Croton river and to consider the same as the first object and they are hereby also enjoined to retain a sufficient sum in their hands for the said purpose.

Bridge
over Croton
river.

And whereas the legislature have thought proper to direct a certain specific sum of the monies granted at the last session, for repairing and improving the roads and highways in the southern district, to be appropriated on the said roads on Long Island and Staten Island. Therefore,

Be it further enacted by the authority aforesaid, That the supervisors for Suffolk county for the time being, be, and they are hereby authorized, to appoint a board of commissioners, not exceeding three for the said county; and that Abraham Ditmars, Timothy Cornwall and John W. Seaman shall be and they are hereby appointed a board of commissioners for Queens county; and that Aquilla Giles, Peter Vandervoort and Jacob Sharpe junior, shall be and hereby are appointed a board of commissioners for Kings county, and that Simon Swaine Lewis Ryerse and John Beedle be and hereby are appointed a board of commissioners for

Com-
missioners in
Suffolk,
Queens,
Kings and
Richmond
counties.

Richmond county for the purpose of erecting and constructing the bridges and improving such roads or highways in the said counties respectively, as is directed in and by the act hereby amended except that the commissioners hereby appointed shall not be obliged to improve the said roads with beds of stone covered with gravel as directed by the said act but in such manner as to them or a majority of them respectively shall appear best calculated to promote the public good.

Appropriation for counties named.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this State to pay unto the said boards of commissioners respectively, on the warrant of his excellency the governor or person administering the government of this State for the time being, the following sums of money, that is to say, to the commissioners for Suffolk county the sum of two hundred and twenty pounds, to the commissioners for Queens county the sum of one hundred and seventy five pounds, to the commissioners for Kings county the sum of one hundred and seventy five pounds and to the commissioners for Richmond county the sum of eighty pounds out of the monies directed to be paid to the commissioners for the southern district in and by the said act; and that each of the said commissioners herein appointed shall be entitled to receive for each day they shall be respectively employed in discharge of the trusts committed to them for their services and expences, the like compensation and to be raised and paid in like manner as is directed to be paid to the commissioners appointed in and by the said hereby amended act, and the said commissioners shall respectively account with the auditor for this State for the monies they shall receive from the treasurer, by virtue of this act, *and further* that the commissioners appointed in the southern district in and by the last act aforesaid, are hereby discharged from the duties enjoined on them so far forth as relates to the roads and bridges in the counties of Suffolk Queens Kings and Richmond.

Specific roads to be repaired.

Provided always and be it further enacted by the authority aforesaid, That the money herein before directed to be paid to the said commissioners for Kings county shall be by them applied to amending and repairing the public road leading from Brooklyn ferry to Furmans tavern on the said road, and the money to be paid to the commissioners for Queens county, shall be by them applied to amending and repairing the public road leading from the said Furmans tavern to Jamaica and from thence, to and through the middle of the Great Plains; any thing in this act or the said recited act to the contrary notwithstanding.

And whereas the commissioners appointed by the act hereby amended for erecting and constructing the bridges and improving the roads or highways therein specified in the middle district are directed to lay out and improve the post-road from the south bounds of the county of Dutchess as far north as the south bounds of the town of Fishkill. *And whereas* a small part of the post road adjoining the bounds last aforesaid equally requires improvement. Therefore,

Post road in town of Fishkill.

Be it further enacted by the authority aforesaid. That the commissioners in the said act named for the middle district or a majority of them shall lay out and improve the post road from the south bounds of the town of Fishkill aforesaid as far north as to the mouth of the high lands being a small distance south of the dwelling house of Isaac Van Wyck in Fishkill aforesaid.

And whereas the commissioners appointed by the said act for the middle district are authorized and empowered to improve and repair a certain public road or highway mentioned in the act aforesaid, leading from the house of Henry Reynolds, in Smiths Clove along by or near

the dwelling house of Archibald Cunningham in the said Clove in the county of Orange to the dwelling house of Thomas Cooper at the Indian fields which road appears to the legislature not so advantageous for public use as some other direction might be from said Smiths Clove to the Indian fields aforesaid. Therefore,

Be it further enacted by the authority aforesaid That it shall and may be lawful for the said commissioners of the middle district or any two of them in the discharge of the trust reposed in them by the said act so to open improve and repair the said road or highway beginning at the dwelling house of Henry Mapes in Smiths Clove and leading in such direction from the house of the said Henry Mapes to the public road leading from New Windsor along by the dwelling house of the said Thomas Cooper as the said commissioners or the major part of them shall judge most for the benefit of the public any thing in the act above mentioned to the contrary notwithstanding.

Road from
Smith's
Clove.

And whereas the inhabitants of the towns of Kingston, Hurley, Marbletown, Rochester, Newpaltz and Shawengunk have erected a bridge across the Rosendall Kill or river in the town of Hurley in the county of Ulster. *And whereas* it is represented to the legislature a further sum of money will be requisite to complete the said bridge. Therefore,

Be it further enacted by the authority aforesaid, That it shall be and it is hereby made the duty of the said commissioners for the middle district or a majority of them to complete the said bridge in like manner, and out of the monies by which they are by law directed to erect the bridges therein specified.

Bridge over
Rosendale
creek.

And be it further enacted by the authority aforesaid, That it shall be, and it is hereby made the duty of the said commissioners for the middle district, or a majority of them to appropriate one hundred pounds, towards improving the road which leads from the town of Kingston, in the county of Ulster to Schoharie Kill in the said county out of the money which is appropriated by law to make and repair roads and bridges in the said middle district.

Road from
Kingston
to Scho-
harie river.

And whereas William North, Silas Tolbot and Theodorus Van Wyck Graham or any two of them are by the act hereby amended appointed a board of commissioners for the purpose of erecting and constructing bridges and improving roads or highways in the said act specified in the western district of this State, and are directed to build and erect a bridge over the Owego creek near the mill belonging to James McMaster, in the town of Union and county of Tioga,

And whereas the said commissioners reside at so great a distance from the place of building the said bridge as to render the expense of their attending a great burden on the county of Tioga. Therefore,

Be it further enacted by the authority aforesaid, That James McMaster David Piexsly and Joshua Whitney be and they are hereby appointed commissioners, to erect and build a bridge over the Owego creek near the mill belonging to James McMaster in the town of Union in the county of Tioga, and that the said William North, Silas Talbot and Theodorus Van Wyck Graham be and they hereby are discharged from building the said bridge any thing in the act hereby amended to the contrary notwithstanding.

Bridge over
Owego
creek in
the town
of Union.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, for the said William North, Silas Talbot and Theodorus Van Wyck Graham and they are hereby required to pay to the said James McMaster David Piexley and Joshua Whitney, the sum of three hundred pounds (out of the sum of nine thousand four hundred

Appropriation.

and fifty pounds directed by the act hereby amended to be paid to the commissioners of the western district) for the purpose of erecting the said bridge.

Fees of
commissioners.

And be it further enacted, by the authority aforesaid, That each of the commissioners aforesaid shall be entitled to receive for their services the sum of eight shillings every day they shall be respectively employed in the said business to be paid by the county of Tioga aforesaid, and to be levied and paid, together with and in the same manner as the necessary and contingent charges of such county are raised levied and paid, and that the said commissioners shall account with the auditor for this State for the monies they shall respectively receive from the said commissioners by virtue of this act.

Bridges,
how con-
structed.

And be it further enacted by the authority aforesaid, That the several commissioners appointed to repair and improve certain public roads and highways in and the act hereby amended may if they shall think necessary, dispense with building the piers with stone masonry in every case where bridges may be erected by virtue of the said act, and to substitute any other mode of supporting any such bridges so to be erected as they or a majority of them, may deem most for the public good, and in like manner the said commissioners shall not be obliged to cover any of the said bridges with timber or plank four inches thick but shall have full power to cover any or all the bridges which they may so erect with timber or plank not less than three inches thick. And also in like manner the said commissioners shall not be obliged to improve the roads with beds of stone covered with gravel as mentioned in the said act hereby amended but they may repair the same in such manner as to them or a majority of them respectively shall appear best calculated to promote the public good.

Western
district,
how mon-
ies to be
applied.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the commissioners appointed for the western district by the act hereby amended instead of applying any of the monies entrusted to them for improving the road from the ninety mile stone to the painted post and from thence to the eastern bounds of the county of Ontario as directed by the said act shall lay out and appropriate the same for erecting such bridge or bridges over any stream or streams of water or to open and repair any road in the said county as they or a majority of them may in their discretion conceive to be most conducive to the public good, any thing in the said act to the contrary notwithstanding.

CHAP. 54.

AN ACT for the relief of Hannah Van Dyne and others.

PASSED the 11th of March, 1793.

Preamble.

WHEREAS Hannah Van Dyne, widow of Douw Van Dyne deceased, whose estate became forfeited to the people of this State, hath petitioned the legislature for her right of dower, in the estate of the said Douw Van Dyne.

And whereas it appears to the legislature that the said Hannah Van Dyne is entitled to the sum of one hundred and eight pounds, six shillings and eight pence, the amount of one third of the annual income of the estate of the said Douw Van Dyne, from the time of his death, until the time of the passing of this act, and the further sum of one

hundred and eighty one pounds, fourteen shillings and four pence, the present value of an annuity of twenty one pounds thirteen shillings and four pence, on a single life of fifty seven years, (being the age of the said Hannah Van Dyne) calculated on the principles referred to in the concurrent resolutions of both houses of the legislature, of the third day of April last, amounting in the whole to the sum of two hundred and ninety pounds, and one shilling. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer of this State shall, and he is hereby directed to pay to Hannah Van Dyne, or her legal representative, which said Hannah is the widow of Douw Van Dyne deceased, whose estate became forfeited to the people of this State, the sum of two hundred and ninety pounds, and one shilling; and to Margaret Low, the widow of Isaac Low, the sum of one thousand and ninety three pounds, eleven shillings and ten pence, and to Sarah Wallace, the widow of Hugh Wallace, the sum of nine hundred and thirty four pounds, nine shillings and ten pence, together with her costs of suit to be taxed; and to Eva White, the widow of Henry White deceased, the sum of nine hundred and fifty four pounds, seven shillings and four pence, and to Phila Delancey, the widow of Oliver Delancey deceased, the sum of one thousand and thirteen pounds, two shillings, and to Sarah Fowler, the widow of Solomon Fowler deceased, the sum of three hundred and sixty three pounds, six shillings and three pence, together with her costs of suit to be taxed, for their rights of dower in the lands and tenements whereof their respective husbands were seised, in the southern district of this State, and which have been sold by the commissioners of forfeiture for the said southern district; upon their respectively executing, and delivering to the treasurer, a release of their dower, and right of dower respectively, of and in the said lands and tenements, to the people of this State, and to the persons respectively holding the same lands and tenements.

Appropriation to various parties.

CHAP. 55.

AN ACT to raise money, for compleating the repair of the court house in Albany.

PASSED the 11th of March, 1793.

WHEREAS, the supervisors of the city and county of Albany, have by a resolution passed the fifth day of February one thousand seven hundred and ninety three, determined that a contract be entered into, by the commissioners appointed by the act for building a gaol and repairing the court house in the city and county of Albany; and the said commissioners have by their application represented, that a further sum of one thousand pounds is necessary, for the compleating the repair of the said court house. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the city and county of Albany aforesaid, for the time being, shall be, and they are hereby authorized and required, to direct to be raised on the freeholders and inhabitants of the said city and county, the sum of one thousand pounds for compleating the repair of the court house in the said county, with an additional sum of nine pence in the pound for collecting the same;

Tax levy in Albany county for court-house repairs.

which said sum shall be raised, levied and collected, at the same time, and in like manner, as the other contingent charges of the said city and county, are levied and collected.

When tax
to be paid;
how ex-
pended.

And be it further enacted, That the said sum of one thousand pounds, shall be collected and paid into the treasury of the said city and county, on or before the fifteenth day of February, which will be in the year of our Lord one thousand seven hundred and ninety four, and the treasurer of the said city and county is hereby required and directed, out of the mony aforesaid, to pay to the commissioners aforesaid or their order, the sum of one thousand pounds to be by them drawn for; and it is hereby made the duty of the said commissioners for the time being, to account with the supervisors of the said city and county, for the money to be by them received and expended, for the purpose aforesaid when thereunto required.

Fees of
treasurer.

And be it further enacted, That it shall and may be lawful for the treasurer of the said city and county of Albany, to retain in his own hands the sum of three pence in the pound, for his trouble in receiving and paying out, the monies directed to be raised by this act.

CHAP. 56.

AN ACT concerning the striking of juries.

PASSED the 11th of March, 1793.

Striking of
juries,
when clerk
interested.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That when a jury shall be ordered to be struck for the trial of any cause, in any court of record, if the clerk of such court shall be interested in the cause or related to either of the parties, or if it shall appear probable to the court that he is not indifferent between them, then and in every such case, the court shall nominate two proper persons, who are indifferent between the parties, to strike the jury, which persons shall do, execute and perform every thing heretofore required to be done by such clerk, relating to the striking of such jury.

CHAP. 57.

AN ACT to ascertain and settle the limits and boundaries between the patent of Kayaderosseres, the patent commonly called the Half Moon patent, and the patent of Shannondhoi or Clifton Park, and to bind the title of the respective claimants.

PASSED the 11th of March, 1793.

Preamble.

WHEREAS, controversies subsist between the proprietors of a tract of land, in the county of Saratoga, known by the name of Kayaderosseres, the proprietors of a tract of land originally granted to Anthony Van Schaick, commonly called the Half Moon patent, and the proprietors of a tract of land known by the name of Shannondhoi or Clifton Park respecting the bounds of the said respective patents.

And whereas, the said controvercies impede the cultivation of the county and cannot be finally determined in the usual course of law without a number of suits, which from the circumstances of the case would require to be tried by foreign juries with much inconvenience to the public and heavy expenses to the parties.

And whereas, the proprietors of the said patents respectively, are numerous some of them infants, and others under coverture, which renders it impracticable to make any determination of the said controversy binding upon all parties interested without the aid of the legislature.

And whereas, the proprietors and agents for the proprietors of the said respective patents did agree that they would unite in an application to the legislature for an act appointing commissioners finally to ascertain and determine the boundary lines between the said respective patents, and that Egbert Benson of the county of Dutchess, Samuel Jones of the city of New York, Jesse Woodhull of the county of Orange, Cornelius C. Schoonmaker of the county of Ulster, and Peter Cantine of the county of Dutchess, be the commissioners for that purpose.

And whereas, the said proprietors and agents have made such joint application by their petition to the legislature with which it appears reasonable to comply, therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for the said Egbert Benson, Samuel Jones, Jesse Woodhull, Cornelius C. Schoonmaker and Peter Cantine, or any three of them, to hear and examine the said controversy, and finally by writing under the hands and seals of them or any three of them, to fix ascertain and determine, the boundary line, or lines between the said respective patents, which determination shall be final and conclusive as to all the rights, titles and interests derived under the letters patent, whereby the said lands called Kayaderosseres, and the said lands called the Half Moon, and the said lands called Shannondhoi or Clifton Park were respectively granted to the original proprietors of the said lands, and shall to all intents and purposes whatsoever, absolutely vest the right, title, property and interest of such lands as shall be so determined to lie within the said patent, called the Half Moon patent, in such person and persons and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the letters patent granted as aforesaid to the said Anthony Van Schaick, and in like manner, shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands, as shall be so determined to lie within the said patent called Kayaderosseres, in such person and persons, and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the said patent called Kayaderosseres, and not within the said patent to Anthony Van Schaick. And in like manner shall to all intents, constructions and purposes whatsoever, absolutely vest the right, title, property and interest of such lands, as shall be so determined, to lie within the said patent called Shannondhoi or Clifton Park, in such person and persons and with such estate and estates, as the same would be vested in and held by, if the same had been undoubtedly included in the said patent, called Shannondhoi, or Clifton Park, and not within the said patent, to Anthony Van Schaick or within the said patent called Kayaderosseres, so that all and every person or persons, any thing having or claiming in the said land, by virtue of the said patent to Anthony Van Schaick,

Commissioners to determine controversies over lands in the patents of Kayaderosseres, Half Moon and Shannondhoi or Clifton Park.

shall be utterly barred and excluded from having or claiming any estate, right, title or interest in such of the said lands, as shall be so as aforesaid determined to be within the bounds of the said patent, called Kayaderosseres, or to be within the bounds of the said patent, called Shannondhoi or Clifton Park, and all and every person and persons, any thing having or claiming in the said lands by virtue of the said patent, called Kayaderosseres, shall be utterly barred and excluded from having or claiming any estate, right title or interest in such of the said lands, as shall be so as aforesaid determined, to lie within the bounds of the said patent of Anthony Van Schaick, or within the bounds of the said patent of Shannondhoi or Clifton Park, and all and every person and persons, any thing having or claiming in the said lands, by virtue of the said patent of Shannondhoi or Clifton Park, shall be utterly barred and excluded from having or claiming any estate, right, title or interest, in such of the said lands as shall be so as aforesaid determined to lie within the bounds of the said patent, called the Half Moon, or within the bounds of the said patent called Kayaderosseres.

Provided always, That nothing herein contained, shall be deemed, construed or extended to effect the estate, right, title or interest of the people of this State, or of any person or persons, or body politic or corporate, not deriving title by, from or under, either of the said respective patents, any thing herein contained to the contrary thereof, in any wise notwithstanding.

Oath to be taken.

And be it further enacted, That each of the said commissioners, shall before he executes any of the duties prescribed in and by this act, take the following oath before one of the justices of the supreme court of this State, to wit, "I do hereby solemnly swear that I will well and truly execute the trust reposed in me, in and by an act entitled, "An act to ascertain and settle the limits and boundaries between the patent of Kayaderosseres, the patent commonly called the Half Moon patent, and the patent of Shanondhoi or Clifton Park, and to bind the title of the respective claimants," to the best of my knowledge and ability, so help me God.

Premises to be viewed.

And be it further enacted, That the said commissioners before the making of the said determination, shall have a view of the premises in question, if either of the parties require the same.

Witnesses, attendance of.

And be it further enacted, That the said commissioners or any three of them, shall be and are hereby empowered and required, to summon any person or persons, to appear before them, when and as often as the said parties or either of them shall think necessary, to be examined and give evidence, touching the matters in controversy, and to bring with them all such marks, deeds, papers or other written evidence, as the said parties or either of them, shall from time to time think proper, for the execution of the trusts hereby reposed in them, and the said commissioners are hereby authorized and empowered, to administer an oath or affirmation, to the witnesses to be examined before them, to declare the truth touching the matter in controversy, and if any person or persons being summoned by writing, subscribed by any one or more of the said commissioners, and duly served on such person or persons at least eight days before the time required by such summons for his, her or their attendance, shall refuse or neglect to give such attendance, or to be examined upon oath as aforesaid, or to bring, or to produce such written evidence as shall be required by the said summons, every such person so refusing or neglecting, shall forfeit and pay for every such refusal or neglect the sum of one hundred pounds, to be recovered in any court of record

having cognizance thereof, by action of debt, to be brought in the name of the person or persons at whose instance such witness was summoned;

Provided always, That no such forfeiture shall be incurred, unless a tender shall have been made at the time of serving such summons to the person so refusing or neglecting as aforesaid, of a reasonable compensation for his attendance. And provided also, that no person shall be compelled to give any evidence other than such as he would be bound to give upon a trial at common law.

And be it further enacted, That if any person shall wilfully and knowingly, give false evidence before the said commissioners, or any three of them touching the said controversy he or she shall, upon conviction thereof, suffer the pains and penalties inflicted by law or wilfull and corrupt perjury. Perjury.

And be it further enacted, That the determination of the said commissioners, or any three of them as aforesaid, being duly acknowledged or proved, in like form as deeds are by law, to be acknowledged or proved may be entered of record in the secretary's office of the State of New York, and the same, or the record thereof, or an exemplification, or a true copy of such record, shall be good evidence of such determination in all courts both of law and equity. Recording of determination.

And be it further enacted, That the said determination, shall be made within one year from the passing of this act, and not afterwards. Time limited.

And be it further enacted, That all the expenses, costs and charges, which shall arise and accrue, in fixing and ascertaining the said boundary line or lines between the said respective patents as herein before mentioned, or for, or by reason of any other matter or thing, respecting the execution of the trusts herein before specified, (excepting fees to counsel for advice or assistance upon the hearing of the said controversy or otherwise) shall be equally paid and borne by the said parties in the following manner, that is to say, the one equal third part thereof, by the proprietors of the said patent of Kayaderosseres, one other equal third part thereof by the proprietors of the said tract of land, originally granted to Anthony Van Schaick commonly called the Half Moon Patent, and the other equal one third part thereof to be paid by the proprietors of, and the persons interested in the said tract of land, known by the name of Shanondhoi or Clifton park, which said costs, charges and expenses shall be ascertained by a certificate of the said commissioners or any three of them, and if any of the said proprietors of the said allotments of the said patent of Kayaderosseres, shall neglect or refuse to pay his, her or their proportion of the said expenses, within one month after the determination of the said commissioners, or any three of them shall have been made, it shall be lawful for the said commissioners, or any three of them to sell, grant and convey so much of the lands belonging to the said person or persons so refusing or neglecting as aforesaid, in whatever part of the said patent of Kayaderosseres they shall think expedient, as may be sufficient to defray his, her or their proportion of the said expenses with interest for the same from the end of the said month; and that in like manner if any of the proprietors of the said Half Moon Patent, interested in the said controversy, shall refuse or neglect to pay his, her or their proportion of the said expenses, (to be assessed by the said commissioners or any three of them) for or within one month after the determination of the said commissioners or any three of them, shall have been made, it shall be lawful for the said commissioners or any three of them, to sell so much of the lands of the person or persons so refusing, or neglecting as aforesaid, in whatever part of the said Half Moon Patent as they shall think expedient, as may be sufficient to defray his, her or their propor- Expenses of determination, how borne and collected.

tion of the said expenses with like interest as aforesaid; and in like manner if any of the proprietors of the said patent of Shannondhoi or Clifton park, interested in the said controversy shall refuse or neglect to pay his, her or their proportion of the said expenses (to be assessed by the said commissioners or any three of them) for or within one month after the determination of the said commissioners or any three of them shall have been made, it shall be lawful for the said commissioners or any three of them, to sell so much of the lands of the person or persons so refusing or neglecting as aforesaid, in whatever part of the said patent of Shannondhoi or Clifton park they shall think expedient as may be sufficient to defray his, or their proportion of the said expenses, with like interest as aforesaid; and the charges of sale and the deeds of the said commissioners or of any three of them, for such lands so sold shall be valid and effectual in the law, to all intents and purposes, against the said person or persons so refusing or neglecting and his, her or their heirs, and all others claiming or to claim by, from or under him, her or them, or any of them at any time thereafter.

CHAP. 58.

AN ACT granting the right of the people of this State, in certain lands therein mentioned.

PASSED the 12th of March, 1793.

Release of
lands de-
scribed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all the estate, right, title, interest, claim and demand of the people of the State of New York, of in and to any lands, tenements or hereditaments, in a tract of land situated in the towns of Hillsdale and Kinderhook, in the county of Columbia, (and lying south of the town of Canaan, and north of the north line of the lands claimed by the the heirs of Colonel John Van Rensselaer deceased, and also west of the said town of Canaan, and east of the Kinderhook patent) now possessed by any person or persons, shall be and is hereby granted to the respective possessor or possessors of such lands, tenements and hereditaments, and to the heirs and assigns of such possessors respectively forever.

Proviso as
to posses-
sors.

Provided always, That such possessor or possessors shall be construed and taken to be the person or persons holding in his or her own right and not occupying or improving in the right of another;

Proviso as
to effect
on grants.

And provided also, That nothing herein contained shall be construed to invalidate or injure the rights of any person claiming lands in any grants passed under the great seal of the late Colony of New York before the fourteenth day of October one thousand seven hundred and seventy five, or under the great sale of this State.

CHAP. 59.

AN ACT to incorporate the society instituted in the State of New York, for the promotion of agriculture, arts and manufacture.

PASSED the 12th of March, 1793.

WHEREAS, several persons in the State of New York, have by a vol- **Preamble.**
untary agreement associated themselves for the laudable purpose of promoting agriculture, arts and manufactures in this State.

And whereas, the said society have presented a petition to the legislature setting forth, that the petitioners considering that the wealth and prosperity of a country very much depend upon the flourishing State of its agriculture, arts and manufacturers, and observing the benefit which in other countries have accrued from the institution of societies for the purpose of encouraging those great objects, have voluntarily associated themselves, with a view of collecting from different parts of the State the different modes of agriculture that are in practice, to suggest such improvements as may be found to be beneficial; to excite among their fellow citizens a spirit of making experiments for the amelioration of lands, which have been exhausted or in their natural state are unproductive or unfit for cultivation; for increasing the produce of such articles as are propagated amongst us, and promoting the culture of others, which have been found useful in other parts, and for the improvement of field husbandry in general; and to introduce as far as circumstances may render proper, an emulation for the establishment of useful arts and manufactures in those parts of the State where they can be beneficially carried on. That the petitioners conceive it would greatly conduce to advance the important ends of their association, if they were authorized to act as a corporate body and possess property to such amount, as would enable them to effectuate their purposes more satisfactorily to themselves and more beneficially to the public: They therefore prayed that the legislature would be pleased by law to incorporate the society for the purposes aforesaid, under such limitations and restrictions, as to the legislature shall seem meet. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That Robert R. Livingston, John Sloss Hobart, Samuel L. Mitchell, John McKesson, Mathew Clarkson, Samuel Bard, John Cantine, Samuel Jones, Thomas Tillotson, Joseph Hesbrouck, James G. Graham, Jacobus Swartwout, McLanton Smith, Abraham Hardenburgh, John Gelston, William W. Gilbert, David R. Floyd Jones, George Clinton, Aquila Giles, Ezra L'Hommedieu, John Schenck, James Hunter, Egbert Benson, John Blagge, John De Lancy, Francis Childs, John Watts, Peter Vandervoort, Henry Will, Ebenezer Purdy, Josiah Ogden Hoffman, John Smith, of Suffolk county, Cornelius J. Bogart, William Dunlap, Walter Rutherford, Philip Van Cortlandt, John Williams, Richard Varick, John Jay, Elias Newman, Amasa Dingley, Gilbert Colden Willett, Stephen Lush, John Stevens, John Kemp, Abraham Beach, Samuel Nicoll, Jonathen N. Havens, John L. Gardiner, Frederick Rhineland, Pierre De la Bigarre, Edward Livingston, John Thurman, Jeremiah Van Rensselaer, James Duane, Simeon De Witt, Nathaniel Sackett, William Rhineland, Samuel Russell, Moses De Witt, David Frederick Laring, John Nicholson, Andrew King, John Barber, Joseph Barber, Johannes Miller, William Thompson, David

Incorporation of the Society for the Promotion of Agriculture, Arts and Manufactures.

Ogden, John Delafield, Horatio Gates, Benjamin Strong and Samuel Jones Junior, and such other persons, as shall from time to time become members of the said society shall be and hereby are ordained, constituted and declared to be one body corporate and politic in deed, fact and name, by the name of The Society for the promotion of agriculture, arts and manufactures, and that by that name they and their successors until the first day of May one thousand eight hundred and four, shall have succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever: And that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors by the same name shall be persons capable in law to purchase, take, receive, hold and enjoy to them and their successors any real estate in fee simple or for term of life or lives or otherwise; and any goods, chattels or personal estate for the purpose of enabling them the better to carry into execution, encourage and promote such measures as may tend to promote agriculture, arts, and manufactures in this State.

Proviso as
to right of
holding
property.

Provided, The clear yearly value of such real and personal estates shall not exceed the sum of eight hundred pounds lawful money of New York, and that they and their successors shall have full power and authority to give, grant, sell, lease, demise and dispose of the said real and personal estates, or any part thereof at their will and pleasure; and that they and their successors shall have power from time to time to make, constitute, ordain and establish such bye laws, constitutions, ordinances and regulations as they shall judge proper for the election of their officers; for the election or admission of new members of the said corporation, and the terms and manners of admission, for the better government and regulation of their officers and members, for fixing the times and places of the meeting of the said corporation; and for regulating all the affairs and business of the said corporation.

Officers of
the society

Provided, That such bye laws and regulations shall not be repugnant to the constitution or laws of the United States or of this State. And for the better carrying on the business and affairs of the said corporation there shall be a president, vice president, treasurer and two secretaries of the said corporation, who shall hold their offices from the time of their appointment or election until the second Tuesday of January then next, and until others shall be chosen in their places. And that the said Robert R. Livingston is hereby appointed president, the said John Sloss Hobart, vice president, the said Samuel Jones treasurer, and the said Samuel L. Mitchell and Samuel Jones Junior secretaries of the said corporation, and that their successors in office shall hereafter be chosen by the members of the said corporation, in such manner and at such times and places, as shall be directed by the bye laws of the said corporation, to be made for that purpose; and that the president or vice president and any twelve or more of the members of the said corporation, shall be sufficient to constitute a legal meeting of the said corporation.

Members
of legisla-
ture to be
honorary
members.

And be it further enacted, That the members of the legislature who shall not be stiled members of the said corporation, be nevertheless, in virtue of their stations, honorary members of the said corporation, and shall sit but not vote as such, for officers or have any voice in the disposition of their funds.

CHAP. 60.

AN ACT to alter the stile of the respective religious corporations therein mentioned.

PASSED the 12th of March, 1793.

WHEREAS, the corporation of Grace church in the town of Jamaica, **Preamble.**
in Queens county, by letters patent under the great seal of the late colony of New York, bearing date the seventeenth day of June in the year of our Lord one thousand seven hundred and sixty one, were enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended by the name of "The rector and inhabitants of the parish and township of Jamaica in Queens county, in communion of the Church of England as by law established.

And whereas, the corporation of St. George's church in the town of Flushing in Queens county, by letters patent under the great seal of the late colony, now State of New York, bearing date the seventeenth day of June one thousand seven hundred and sixty one, were enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the name of "The inhabitants of the township of Flushing in Queens county in communion of the Church of England as by law established."

And whereas, the corporation of St. James's church in the town of New-Town, in Queens county, by letters patent under the great seal of the late colony, now State of New York, bearing date the ninth day of September one thousand seven hundred and sixty one, were enabled to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, by the name of "The inhabitants of the township of New Town in Queens county, in communion of the Church of England as by law established."

And whereas, the said corporations by their several and respective petitions, presented to the legislature of this State, have prayed that they may be enabled to assume and use the several names and stiles in the said several petitions, mentioned and expressed. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the said corporation of Grace church in the town of Jamaica, in Queens county, shall and may from and after the passing of this act, take and use the name of "The rector and inhabitants of the town of Jamaica in Queens county, in communion of the Protestant Episcopal church in the State of New York." **Grace church, Jamaica.**

And be it further enacted, That the said corporation of St. George's church, in the town of Flushing, in Queens county, shall and may from and after the passing of this act, take and use the name of The rector and inhabitants of the town of Flushing in Queens county in communion of the Protestant Episcopal church in the State of New York. **St. George's church, Flushing.**

And be it further enacted, That the said corporation of St. James's church in the town of New Town in Queens county, shall and may from and after the passing of this act, take and use the name of The rector and inhabitants of the town of New Town, in Queens county, in communion of the Protestant Episcopal church in the State of New York. And by the said several and respective names shall be capable, severally and respectively to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in as full and ample manner to all intents and purposes, as they were severally enabled to do, in and **St. James' church, New Town**
Powers of church corporations.

by the said several and respective letters patent herein before recited. And that all bonds, bills, grants, contracts, deeds and conveyances, made to or by the said corporations, between the dates of the said several letters patent and the passing of this act, wherein they are named or mentioned by the stiles and names of their said several letters patents, or any or either of them, or by any other name or names, shall be good, valid and effectual in the law, in like manner as they would have been, if the names or stiles of the said several and respective corporations, or any or either of them had been named in manner as herein directed in such bonds, bills, grants, contracts, deeds and conveyances any law, usage or custom, to the contrary thereof in any wise notwithstanding.

CHAP. 61.

AN ACT relative to the loan officers in the county of Montgomery.

PASSED the 12th of March, 1793.

Preamble.

WHEREAS it has been represented to the legislature, that it is found impracticable for the loan officers for the county of Montgomery, since the division of the said county, to prepare their accounts for inspection as loan officers, in conformity to the directions of the act passed the eighteenth day of April one thousand seven hundred and eighty six, intituled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned. Therefore

Act recited
suspended
as respects
counties
named.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That so much of the said act above recited, as requires the attendance of the supervisors and judges on the first Tuesday in October, to inspect the books and accounts of the loan officers in the county of Montgomery, as far forth as respects the counties of Montgomery, Herkemer and Otsego be and the same is hereby suspended until further legislative provision in the premises.

Supervisors
and
judges,
when to
meet.

And be it further enacted, That it shall be the duty of the supervisors and judges of the counties of Montgomery, Herkemer and Otsego, or so many of them as were by any former law required to meet on the first Tuesday in October in every year for the purposes before mentioned, to meet on the second Tuesday in November, in each and every year, at the court house in Johnstown, in the county of Montgomery, and then and there to inspect the books and accounts of the loan officers of the said county of Montgomery, and to do and transact all and singular the duties enjoined and required of them, in and by the act hereby amended.

CHAP. 62.

AN ACT to enable certain persons therein named, to purchase and hold real estates within this State.

PASSED the 12th of March, 1793.

Persons
named
may hold
real estate
in this
State.

Be it enacted, by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for Peter De Labigarre, William Gray, Francis Upton, Alexander James Hamilton, Matthew Caldwell, William Guthrie, James White, John Dunn, Andrew

Dunn, Harmanus H. Post, James Campbell, Thomas Mackaness, John Boonen Graves, Henry Van Allen, George Young, Lemon Lawrence Lawrence, Richard Vanden Burgh, Jonathan Williams, Joseph Cheavoau De Maisonrouge, Luke Gilbert, Henry Fisher, Johannis Eyler, Johannis Rosenberger, Hendrick Trowman, Christain Nungester, Nicholas Goode-muth and William Shaaff, severally to take and hold by purchase or descent, lands, tenements and hereditaments, within this State to any amount, not exceeding twenty five thousand dollars respectively, to have and to hold the same to them, and to their respective heirs and assigns forever, as fully to all intents and purposes, as any natural born citizens may or can do, any law usage, or custom notwithstanding.

And be it further enacted, That no lands tenements or hereditaments, heretofore purchased by any of the persons herein before named, shall escheat to the people of this State, by reason or on account of such persons then being aliens but all such lands, tenements and hereditaments, shall be understood as having vested in such purchaser or purchasers, as though they had been naturalized at the time of such purchase or purchases, any law to the contrary thereof notwithstanding.

Provided always that no alienation of such lands shall be good and effectual in the law other than to a citizen, or citizens of the United States.

Lands of persons named not to escheat.

CHAP. 63.

AN ACT to authorize the executors of Peter Tappen deceased, to sell the real estate therein mentioned.

PASSED the 12th of March, 1793.

WHEREAS Elizabeth Tappen, hath represented to the legislature, that by the last will and testament of her late husband, Peter. Tappen deceased, the said Elizabeth and George Clinton Esquire, the executors therein named, were empowered to sell, all or any part of his real estate, for the uses and purposes in the said will mentioned; that there are debts against the estate of the said testator, beyond the value of the personal estate owned by him at his death, and the real estate owned by him at the time of making the said will: That contracts have been made by the said Peter in his life time, for the sale of certain parts of the real estate acquired by him, since the making of his said will, and in some instances the consideration money paid, but the deeds never executed; and the said Elizabeth hath accordingly prayed that a law might be passed, extending the power granted by the said will to the executors to sell the real estate of the testator, to such real estate as the said Peter acquired since the making of his said will. Therefore,

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the executors named in the last will and testament of the said Peter Tappen deceased, are, and the survivor of them is hereby authorized and empowered to perform all the said contracts so made by the said Peter Tappen in his life time, and to make do and execute all such conveyances, acts and things, as shall be necessary for that purpose, which shall be as good and effectual to all intents and purposes, as if the same had been made, done and executed by the said Peter Tappen in his life time.

Preamble.
Powers of executors of Peter Tappen, deceased, extended.

And be it further enacted, That it shall and may be lawful for the said executors, and the survivor of them, and they are hereby authorized and

impowered, to sell all or any part of the real estate of the said Peter Tappen, whether the same was purchased or acquired by him, before or after the making of his said will, and to make and execute deeds and conveyances for the same to the purchasers thereof, and to the heirs and assigns of such purchasers, which deeds and conveyances shall be as good and effectual, as if the same had been executed by the said Peter Tappen in his life time; and out of the monies to arise by such sales to pay and discharge all such of the debts of the said Peter Tappen, as shall remain unpaid after his personal estate shall have been applied for that purpose, and to put the residue of the said purchase money out at interest on good landed security or invest the same in the stock of the United States, for the benefit of the heirs and devisees of the said Peter Tappen, according to their respective rights and interest therein.

CHAP. 64.

AN ACT to divide the towns therein mentioned.

PASSED the 12th of March, 1793.

Florida
and
Charles-
ton
erected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the first Monday in April one thousand seven hundred and ninety four, all that part of the town of Mohawk, in the county of Montgomery, which lies east of Schoharie creek in the said county, shall be, and is hereby erected into a town by the name of Florida; and that all the remaining part of the said town of Mohawk, which lies west of the Schoharie creek, shall after the first Monday in April next, be, and the same is hereby erected into a distinct and separate town, by the name of Charleston.

Amster-
dam,
Broadal-
bin, May-
field and
Johnstown
erected.

And be it further enacted, That from and after the first Monday in April aforesaid, all that part of the town of Caughnawaga, in the said county of Montgomery, bounded as follows, to wit, beginning at the south east corner of the said town of Caughnawaga, and running from thence westerly along the south bounds of the said town, until a small bridge in the main road near to Victor I. Putman's house, shall be due north, thence running north six miles, thence running an easterly course, so as to strike the west bounds of the county of Saratoga, six miles north of the river Mohawk, thence south along the west bounds of the county of Saratoga, and also along the west bounds of the county of Albany, to the place of beginning, shall be, and hereby is erected into a town, by the name of Amsterdam; and that all that part of the said town of Caughnawaga, bounded as follows, to wit, Beginning at the north east corner of Amsterdam, thence running westerly along the northerly bounds of the said town of Amsterdam, to the middle of the said boundary line, thence due north to the county of Herkemer, thence easterly along the line that divides the counties of Montgomery and Herkemer to the county of Saratoga, thence south along the west bounds of Saratoga, to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Broadalbin; and that all that part of the said town of Caughnawaga, bounded as follows, to wit beginning at the south west corner of Broadalbin, thence running along the northerly bounds of the town of Amsterdam, to the north west corner of the said last mentioned town, thence due north to the county of Herkemer, thence easterly along the line that divides the counties of

Herkemer and Montgomery, to the north west corner of the town of Broadalbin, thence south along the west bounds of the said town of Broadalbin, to the place of beginning, shall be, and hereby is erected into a separate town, by the name of Mayfield: And that all the remainder of the said town of Caughnawaga, shall be, and remain a separate town, by the name of Johnstown.

And be it further enacted, That all that part of the the town of Wash- **Stanford.**
ington, in the county of Dutchess, lying north of the north line of lots, number fourteen and twenty three, laid out in the general division heretofore made of a tract of land, called the Lower or Great Nine Partners, shall, from and after the first Monday in April 1794, be erected into a separate town by the name of Stanford.

And be it further enacted, That from an after the said first Monday **Hartford.**
in April 1794, all that part of the town of Westfield, in the county of Washington, known by the name of the Provincial Patent, shall be, and hereby is erected into a separate town, by the name of Hartford.

And be it further enacted, That from and after the said first Monday **Bethlehem**
in April 1794, so much of the town of Water Vliet, as is comprehended within the bounds, following, to wit, beginning on the west bank of Hudson's river in the south bounds of the city of Albany, and running thence westerly along the said south bounds, until a north east line drawn from the junction of the Vly Kill with the Normans creek intersects the said south bounds, thence to the junction aforesaid, thence to the north east corner of the town of Rensselaer Ville, thence southerly along the east bounds of Rensselaer Ville, to the town of Coeymans thence easterly along the same to Hudsons river, thence east to the west bounds of Rensselaer county, thence northerly along the same until the place of beginning above mentioned bears west, thence west to the place of beginning, shall be and hereby is erected into a separate town by the name of Bethlehem.

And be it further enacted, That all that part of the town of Saratoga **Greenfield.**
and Milton, in the county of Saratoga, included within the following bounds, to wit, beginning at the south east corner of lot number seven, in the seventeenth allotment of the patent of Kayaderosseres, thence running north along the east bounds thereof, to the southerly bounds of the twenty second allotment of the said patent, thence northeasterly along the same, to the south west corner of the twenty third allotment of the said patent, thence northerly along the west bounds thereof, to the south west corner of the twenty fifth allotment of the said patent, from thence north to Hudsons river, and the west bounds of the county of Washington, thence westerly and northerly on the west line of the county of Washington, to the north bounds of the said county of Saratoga, thence west to the north east corner of the town of Galway, in the said county of Saratoga, thence south on the east line of the same, to the north bounds of the sixteenth allotment of the patent aforesaid, and from thence easterly along the same, to the place of beginning, shall, from and after the first Monday in April 1794, be, and the same is hereby erected into a separate town, by the name of Greenfield.

And be it further enacted, That the first town meeting, in each of the **Town**
said respective towns, shall be held as follows, to wit, in the town of **meetings,**
Florida, at the dwelling house of Ezra Murry; in the town of Charl- **where to**
ton, at the dwelling house of Phineas Leach; in the town of Amster- **be held.**
dam, at the dwelling house of Isaac Vedder; in the town of Broadalbin at the dwelling house of Daniel McIntyre; in the town of Mayfield, at the meeting house adjoining the Sacondago road, near to the store lately occupied by George Courtauld, in Johnstown at the court house, in the

said town; in the town of Standford, at the dwelling house of Soloman Sutherland; in the town of Hartford at the dwelling house of Daniel Mason; in the town of Westfield at the dwelling house of Thaddeus Dewey; in the town of Bethlehem, at the dwelling house of Henry Buchans, in the town of Greenfield, at the dwelling house of Joel Reynolds, in the town of Kortright at the dwelling house of Thomas McClaughry and in the town of Harpersfield at the dwelling house of John Harper.

Powers of towns.

And be it further enacted, That the freeholders and inhabitants of each of the respective towns hereby erected, shall be, and hereby are impowered to hold town meetings, and elect such town officers, as the freeholders and inhabitants of any town in this State, may do by law; and that the freeholders and inhabitants of each of the said towns respectively, and the town officers to be by them elected, shall have the like powers and privileges, and be subject to the like regulations and penalties, as the freeholders, inhabitants and town officers of the other towns in this State, are entitled and subject to by law.

Division of the poor.

And be it further enacted, That the poor belonging to the said town of Mohawk, previous to this division, shall be divided among'st the said towns of Florida and Charleston, in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax list of the said town; and the overseers of the poor and supervisors of the said towns, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling house of John T. Visscher in Florida aforesaid, and make such division as aforesaid. And that the poor belonging to the town of Caughnawaga previous to this division, shall be divided among'st the said towns of Amsterdam, Broadalbin, Mayfield and Johnstown, and that the poor belonging to the said town of Washington, previous to this division, shall be divided among'st the said towns of Washington and Stanford, and that the poor belonging to the said town of Westfield, previous to this division, shall be divided among'st the said towns of Hartford and Westfield; and that the poor belonging to the said town of Water Vliet, previous to this division, shall be divided among'st the said towns of Bethlehem and Water Vliet; and that the poor belonging to the said towns of Kortright and Harpersfield previous to this division shall be divided among'st the said towns of Kortright and Harpersfield; and that the poor belonging to the said towns of Saratoga and Milton, previous to this division, shall be divided among'st the towns of Saratoga, Milton and Greenfield, in like manner as aforesaid; and the overseers of the poor and supervisors of the said towns of Amsterdam, Broadalbin, Mayfield and Johnstown, or a majority of them, shall meet within ten days after the annual town meeting, for the year 1794 at the court house in Johnstown, and the overseers of the poor and the supervisors of the said towns of Washington and Stanford, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling house of Solomon Sutherland in Stanford aforesaid; and the overseers of the poor and the supervisors of the said town of Westfield and Hartford, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling house of Thaddeus Dewey in Westfield aforesaid; and the overseers of the poor and supervisors of the said towns of Water Vliet and Bethlehem, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling house of William Kane, in Water Vliet aforesaid; and the overseers of the poor and supervisors of the said towns of Harpersfield and Kortright or a majority of them, shall meet within ten days after the annual town

meeting for the year 1794, at the dwelling house of Thomas McClaughry in the town of Kortright for the purpose aforesaid. And the overseers of the poor and supervisors of the said towns of Saratoga, Milton and Greenfield, or a majority of them, shall meet within ten days after the annual town meeting for the year 1794, at the dwelling house of Joel Reynolds, in the town of Greenfield aforesaid, for the purpose aforesaid; and the said towns respectively, shall thereafter maintain their respective poor.

And be it further enacted, That the contingent charges and expenses, Contingent charges. of the towns hereby divided, that have already arisen, or shall arise before the first Monday in April, 1794, shall be assessed, levied and paid in the same manner, as if this act had not been passed.

And be it further enacted, That all that part of the town of Harpersfield, contained in the following bounds, to wit, beginning at the most easterly corner of the town of Franklin, from thence up the north side of the west branch of the river Delaware until it comes opposite to the division line between the patents of Kortright and Harpersfield, then northerly to and along the last mentioned line to the Allegotany or Charlotte river, then down along the southerly bank of the said river, and the river Susquehannah to the town of Franklin, then along the east line of the said town of Franklin to the place of beginning, shall from and after the first Monday in April one thousand seven hundred and ninety four, be and the same is hereby erected into a separate town, by the name of Kortright, and that all the remaining part of the said town of Harpersfield, be and remain a town by the name of Harpersfield, and that the first town meeting in the said town be held at the dwelling house of the said John Harper in the said town. Kortright.

And be it further enacted, That from and after the passing of this act, Division of towns, how made. no town in this State shall be divided nor any new town erected without an application to the legislature by the inhabitants of such town so to be divided, or of the several towns out of which such new town is to be erected, or some of them, accompanied with a map of such town or towns, with the lines of such proposed division or new town marked thereon; and that notice of such intended application shall be given at least ten days previous to the town meeting in each of the towns to be affected thereby, which notice shall be in writing and affixed on the door of the house where such town meeting shall be held, and shall be subscribed by at least five persons, resident and freeholders in such towns; a copy of which notice shall also be read in such town meeting, to the people there assembled, by the clerk of such town, immediately before proceeding to the election of town officers.

CHAP. 65.

AN ACT concerning fence viewers.

PASSED the 12th of March, 1793.

WHEREAS in and by the act, entitled "An act for dividing the counties Preamble. of this State into towns, the fence viewers of each and every of the towns in this State, are required in every case, when any distress shall be made of any beast doing damage, before they can appraise and ascertain the damage, to take an oath therein mentioned, which occasions much trouble to the said fence viewers; for remedy whereof

Fence
viewers,
oaths to be
taken by.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the first Tuesday in April next, each and every of the said fence viewers, shall, instead of the oath prescribed in and by the said act, before he enters upon the execution of his office, and within eight days after his election or appointment, take and subscribe before a justice of the peace of the county in which he shall be so elected or appointed, an oath in the following form, to wit, "I do solemnly and sincerely promise and swear, that I will in all things to the best of my knowledge and ability, well, faithfully and impartially, execute and perform the trust reposed in me as a fence viewer, in the town of (here insert the name of the town), in the county of (here insert the name of the county); *And further,* that every justice of the peace before whom such oath shall be taken and subscribed as aforesaid, shall without fee or reward certify under the same writing, the day and year when the same oath was taken and subscribe his name thereto, and then deliver the same writing to the person taking the same oath, who shall within eight days thereafter, transmit or deliver the same to the clerk of the town for which such fence viewers so taking such oath, was elected or appointed; and if any fence viewer shall not take and subscribe such oath as aforesaid, and transmit or deliver the same to the town clerk as aforesaid, within the time hereby limited, then and in every such case, such neglect shall be deemed a refusal to serve in such office; and the town in which such officer was chosen, may thereupon proceed to a new choice.

CHAP. 66.

AN ACT for the relief of John Bailey.

PASSED the 12th of March, 1793.

Preamble.

WHEREAS, William Barron, David Stone, Noah Porter and Joshua Lack, were each entitled to two thousand acres of land, in the late Colony of New York, as officers in the British army by virtue of a certain proclamation of the King of Great Britain, bearing date the seventh of October one thousand seven hundred and sixty three, and it is represented to the legislature that Elias Bland, late of the State of New Jersey (deceased), was entitled by purchases from the said William Barron, David Stone, Noah Porter and Joshua Lack, to the said land, amounting in the whole to eight thousand acres, which they had located in in a certain tract known by the name of Totten and Crossfield's purchase.

And whereas, It appears to the legislature, that notwithstanding repeated applications were made to the then government by the said Elias Bland, prior to the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy five, and notwithstanding his just and equitable claim thereto, he was not able to procure a patent for the same, before the twenty third day of November, in the year of our Lord one thousand seven hundred and seventy five, and which was obtained by the said Elias Bland, in the names of the said William Barron, David Stone, Noah Porter and Joshua Lack.

And whereas, the said Elias Bland, after the obtaining the patent for the said tract of eight thousand acres of land, departed this life some time in the year one thousand seven hundred and eighty two, considerably indebted to John Bailey of the city of New York.

And whereas, the said John Bailey, not knowing that the patent or grant so made to the said Elias Bland, was rendered null and void by

the constitution of the State, purchased the said tract of eight thousand acres from Joseph Shotwell and Robert Bowne, the administrators to the estate of the said Elias Bland, for a good and valuable consideration.

And whereas, the commissioners of the land office, by virtue of the powers to them for the purpose given, have granted and conveyed the said tract of eight thousand acres, to John Thurman and others, as vacant and unappropriated land.

And whereas the equitable estate to the said eight thousand acres of land, was justly and truly vested in the said Elias Bland, and the not procuring a patent for the same, seems to have been wholly owing to the delay on the part of the then government, by reason whereof the interposition of the legislature has been necessary, in order to do justice to the said John Bailey. Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for the commissioners of the land office, and they are hereby directed, to cause letters patent in the usual form, to issue to the said John Bailey for eight thousand acres of such part of the vacant and unappropriated lands within the limits of the aforesaid Totten and Crossfields purchase, in lieu of those lands heretofore mentioned to have been granted to John Thurman and others, in the tract known by the name of Totten and Crossfields purchase, as the said John Bailey shall locate and survey at his expence, on his the said John Bailey's paying one shilling per acre for the same, and producing to the said commissioners conveyances to him or the said Elias Bland from the said William Barron, David Stone, Noah Porter and Joshua Lack, for the said lands.

Letters patent to be issued to John Bailey.

CHAP. 67.

AN ACT for the payment of salaries of certain officers of government and other contingent expenses.

PASSED the 12th of March, 1793.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the treasurer shall pay on or before the first day of July next, to Simeon De Witt surveyor general of this State, the sum of four hundred pounds; to James Fairlie clerk of the courts of oyer and terminer and general gaol delivery, the sum of three hundred and fifty pounds, and to Francis Childs, printer for this State, the sum of one hundred pounds, for their services in their respective offices, from the first day of July last, to the first day of July next; and to the said Francis Childs, the further sum of eighty nine pounds ten shilling for his extra work as printer during the present session.

Annual appropriation bill; surveyor-general and others.

Provided nevertheless, That the said Simeon De Witt shall account with the auditor for this State, and pay into treasury, all the fees which he may have received as surveyor general during the time above said, and which have not already been accounted for and paid.

And be it further enacted, That the treasurer shall pay unto Nicholas Fish, adjutant general of the militia of this State at and after the rate of three hundred and fifty pounds per annum to be computed first from the day of July last and continued to the first day of July next if he shall so long remain in office.

Adjutant-general.

And be it further enacted, That the treasurer shall pay to such gentlemen of the clergy, as shall have attended the legislature as chaplains

Chaplains of legislature.

during the present session the sum of sixteen shillings each, for every day of their attendance for that purpose; and the certificate of their attendance, and the sums due to them respectively, shall be certified by the president of the senate, and the speaker of the assembly in like manner as for members of the legislature.

Board of
State can-
vassers.

And be it further enacted, That the treasurer shall pay to each member of the joint committee of the senate and assembly, who attended to canvass the ballots taken at the last election for governor lieutenant governor and senators, for every day they attended or were travelling to or from their respective places of abode for that purpose; and to the joint committee of the senate and assembly appointed to canvass and estimate the ballots that shall be taken at the next election within this State, for senators, for every day they shall attend, or be travelling to or from their respective places of abode for that purpose, the like compensation as is allowed to the members of the legislature for their services, in and by the the act entitled "An act for the support of government.

Presiden-
tial elect-
ors.

And be it further enacted, That the treasurer of the State shall pay to the electors chosen by the legislature at this present session, for the purpose of electing a president and vice president of the United States of America, the sum of twenty shillings for each and every day that they respectively attend at the town of Poughkeepsie for that purpose and the like compensation for every thirty miles travelling to the aforesaid town and returning to their respective places of residence.

And be it further enacted, That the treasurer of this State, be, and he hereby is directed to pay to the several persons hereinafter mentioned, the following sums of money, vizt.

Secretary
of State.

To the secretary of this State, the amount of his expenses in transmitting by express in conformity to the order of the legislature, six hundred copies of the "Act for electing representatives for this State, in the house of representatives of the Congress of the United States of America," to the sheriffs of the several counties in this State, agreeably to such account thereof as he shall produce, audited by the auditor for this State.

Governor,
Incidentals

To his excellency the governor, the sum of two hundred pounds, promised by his proclamation and by him paid to Jonathan Russell, for apprehending Jacob Vallentine, charged with the murder of an Onondago chief, at Oswego Falls, in the county of Herkemer, and the further sum of one hundred and forty three pounds, sixteen shillings and four pence, by him advanced for incidental expenses attending Indian affairs, for dispatching expresses, and certain other incidental charges, over and above the sums provided for by law.

William
Colbrath.

To William Colbrath the sum of twenty eight pounds, sixteen shillings, for sundry services and expenses in distributing presents among the Onondago Indians, by order of his excellency the governor, in consequence of the murder of the said Onondago chief.

Publishing
official
canvass.

To Nicholas Power, the sum of ten pounds;

To Thomas Greenleaf, the sum of twelve pounds, and

To Robert Barber, the sum of ten pounds, for publishing in their respective news papers, the proceedings of the assembly, on the subject of the late committee appointed to canvass the votes for governor, lieutenant governor and senators.

Witnesses.

To Andrew Cannan, the sum of twenty four pounds, twelve shillings and ten pence;

To Ephraim Hudson, the sum of twenty four pounds, six shillings and four pence;

To William Beekman, the sum of twenty four pounds, twelve shillings and four pence;

To Joseph Whitford, the sum of twenty three pounds, four shillings;

To Joseph Tunnecliff, the sum of twenty five pounds, twelve shillings;

To James Moore, the sum of twenty six pounds, thirteen shillings and four pence;

To Ichabod B. Palmer, the sum of twenty two pounds, eight shillings;

To John Dickens, the sum of twenty two pounds, eight shillings;

To Jedediah Peck, the sum of twenty two pounds, eleven shillings and two pence;

To James Aplin, the sum of twenty two pounds and six pence;

To Richard R. Smith, the sum of twenty one pounds, one shilling and four pence;

To Butler Gilbert, the sum of twenty two pounds, eight shillings;

To Timothy Morse, the sum of twenty two pounds, thirteen shillings and four pence;

To John Harper, the sum of fourteen pounds, eight shillings;

To James Butterfield, the sum of twenty five pounds, twelve shillings;

To William Ellison, the sum of twenty one pounds, one shilling and four pence; and

To Samuel Tubbs, the sum of twenty one pounds, four shillings and six pence, being in full for their attendance respectively as witnesses before the house of assembly, during the present session, in obedience to the order of the said house.

To the sergeant at arms of the house of assembly the sum of twenty pounds, being the amount of his account for expenses incurred by him on his journey into the county of Otsego, by order of the said house, to summon the said witnesses.

Sergeant-at-arms.

To Andrew Cannan, a further sum of sixteen pounds;

Witnesses.

To Benjamin Griffin, the sum of sixteen pounds;

To Jacob G. Fonda, the sum of sixteen pounds, and

To Nathaniel Wattles, the sum of twelve pounds, being in full for their attendance respectively before the house of assembly, during the present session, in obedience to the order of the said house of the third day of December last, as witnesses in the investigation had relative to the late canvass of the votes for governor lieutenant governor and senators.

To Abraham B. Bancker clerk of the senate the sum of four pounds for each of the printers in this State employed by him to publish the proceedings of the senate relative to the claim of a seat in the senate by John Livingston Esquire. And the further sum of one hundred and nine pounds seven shillings and four pence to compensate the witnesses who have attended the senate on that occasion and the messenger for summoning them. And the treasurer is hereby authorized and required to pay unto John Stakes and Nathan Strong the several sums due them for their respective services as sergeant at arms to the senate at the rate of sixteen shillings per day. And to the executors of David Barclay (deceased) the sum due him for his services as sergeant at arms to the senate during the present session at the rate of sixteen shillings per day agreeably to such certificate as may be signed by the president of the senate.

Legislative expenses.

To the surveyor general the sum of forty two pounds for defraying the expences that have arisen on the survey of fifteen lots within the Massachusetts reservation. And a further sum of five pounds twelve shillings, for a reserved lot at Oswago and a lot reserved for the Indians at Scawyace.

Surveyor-general.

L A W S

OF THE

S T A T E O F N E W - Y O R K ,

PASSED AT THE

SEVENTEENTH SESSION OF THE LEGISLATURE.

CHAP. 1.

AN ACT for registering deeds and conveyances relating to the military bounty lands.

PASSED the 8th of January, 1794.

Preamble. WHEREAS it is represented to the legislature, that many frauds have been committed respecting the titles to the lands granted by this State, as bounty lands to the officers and troops of this State, who served in the army of the United States and to others on account of their military services in the army of the United States, by forging and antedating conveyances, and by conveying the said lands to different persons and by various other contrivances, so that it has become very difficult to discover in whom the legal title to some of the said lands is now vested: For remedy whereof and in order to detect the said frauds and to prevent the like frauds in future.

Conveyances of bounty lands, relative to.

Be it enacted, by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all deeds and conveyances heretofore made and executed or pretended so to be, of or concerning or whereby any of the said lands may be any way affected in law or equity, shall on or before the first day of May one thousand seven hundred and ninety four be delivered to, and deposited with the clerk of the city and county of Albany for the time being, and all deeds and conveyances (except mortgages duly registered according to law) heretofore made and executed, or pretended to so be, of or concerning, or whereby any of the said lands may be any way affected in law or equity, which shall not be delivered to, and deposited with, the said clerk, on or before the said first day of May aforesaid, shall be adjudged fraudulent and void, against any subsequent

purchaser or mortgagee for valuable consideration : And the said clerk shall, in the presence of the person delivering the same, register the names of every person whose name shall be to any deed as having executed the same, in a book to be by him expressly provided for that purpose, and in alphabetical order and annex to such name, the date of the deed and the name of the person to whom the same is granted for which service the said clerk shall receive six pence and every such deed shall be filed in bundles, marked in alphabetical order, to the end, that persons inclining to have recourse thereto may, inspect the same, paying the usual fees for search and inspection. And that the said clerk shall on or before the first day of June, which will be in the year one thousand seven hundred and ninety four deliver all the said deeds and conveyances so deposited in his office, to the clerk of the county of Herkemer for the time being, there to remain for the benefit of all persons interested therein. And that all deeds and conveyances hereafter to be made and executed, of or concerning, or whereby any of the said lands may be any way affected in law or equity, shall be recorded by the said clerk of the said county of Herkemer, in books to be by him provided for that particular purpose, and in which no other matters shall be entered; and that every deed and conveyance (except mortgages duly registered according to law) hereafter to be made and executed, of or concerning, or whereby any of the said lands may be any way affected in law or equity, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless the same be recorded as by this act is directed before the recording the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim.

Provided always, That no such deed or conveyance shall be recorded, unless the same shall be first duly acknowledged by the party who shall execute the same before one of the judges of the supreme court of the United States, or one of the judges of the supreme court of judicature of this State, or a master in chancery, or one of the judges of the court of common pleas of the county where the lands intended to be conveyed shall be situated, and a certificate of such acknowledgment be endorsed upon the deed or conveyance, and signed by such judge or master in chancery; and no such judge or master in chancery shall take any such acknowledgment unless he shall then know, or have satisfactory proof that the person making such acknowledgment is the same person described in such deed or conveyance.

And be it further enacted by the authority aforesaid, That the said clerk of the county of Herkemer for the time being, shall personally reside at his said office and shall hold no other office at the same time, and shall either in person or by some sufficient deputy for whom he shall be responsible give due attendance at his office every day in the week except Sunday, for the dispatch of all business belonging to the said office, and that every such clerk as often as required shall make searches concerning all deeds and conveyances deposited or recorded in his office, as aforesaid, and give certificates concerning the same under his hand if required, and make and deliver, upon request of any person, a true copy of any deed or conveyance deposited or recorded in his office, and shall be entitled to have and receive for every search one shilling, and no more, and for every certificate one shilling and no more, in case the same do not exceed one hundred words, but if such certificate shall exceed one hundred words, then an additional sum at the rate of six pence an hundred for all the words continued in such certificate over and above the first one hundred words, and for recording deeds

Provido as to acknowledgments.

Herkimer county clerk, relative to.

and conveyances and for every copy of any deed conveyance, or record in his office, the like fees as the clerks of the several counties in this State are by law entitled to for the like services.

Order in
which
deeds re-
corded.

And be it further enacted by the authority aforesaid, That every deed and conveyance which shall be delivered at the said office to be recorded, shall be recorded in the order, and as of the time when the same shall be delivered for that purpose, and every such deed and conveyance shall be considered as recorded from the time it is so delivered, and an entry shall be made on the margin of the record thereof, of the day of the month, and the year and the hour or the time of the day such deed or conveyance is so recorded, and a certificate shall be endorsed on every such deed and conveyance, mentioning the certain day hour and time when, and the book and page in which the same is so recorded; and the clerk shall sign the said certificate when so endorsed, which certificate shall be taken and allowed as evidence of such recording in all courts of justice whatsoever.

Record to
be evi-
dence.

And be it further enacted by the authority aforesaid, That the record of every such deed and conveyance when so recorded as aforesaid, shall be taken and allowed as evidence of such deed or conveyance in all courts whatsoever.

Forgery of
indorse-
ments.

And be it further enacted by the authority aforesaid, That if any person shall forge or counterfeit any such certificate or endorsement herein before directed to be made given or signed by the said clerk, and be thereof convicted, every such person being convicted thereof according to the due course of law, shall be deemed guilty of felony, and shall suffer death as a felon.

Fraudulent
practise of
clerk.

And be it further enacted by the authority aforesaid, That if the said clerk or any person entrusted by him, shall be guilty of any neglect or misdemeanor, or fraudulent practise, in the execution of this act, such clerk shall be liable to pay treble damages with full costs of suit, to every person who shall be injured thereby to be recovered by action of debt, bill plaint or information in any court of record.

Act, how
construed.

And be it further enacted by the authority aforesaid, That this act shall be deemed, taken and adjudged, to be a public act.

CHAP. 2.

AN ACT for raising a further sum of money for compleating the court house and goal in the county of Washington.

PASSED the 28th of January, 1794.

Preamble.] WHEREAS the supervisors of the county of Washington have requested the legislature, to enable them by law, to raise a further sum of one hundred and fifty pounds to compleat the court house and goal, in the said county.

Washing-
ton county,
tax levy
for court-
house and
jail.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the said county, at their meeting in May next shall be, and they are hereby authorized and required, to direct to be raised and levied, on the freeholders and inhabitants of the said county, the sum of one hundred and fifty pounds, for compleating the court house and goal in the said county, with an additional sum of one shilling in the pound, for collecting the same; which said sums shall be raised, levied and collected, at the same time, and in like manner as the other necessary and contingent charges of the said county are levied and collected.

And be it further enacted, That the said sum of one hundred and **1d.** fifty pounds shall be collected and paid into the treasury of the said county on or before the first Tuesday of February one thousand seven hundred and ninety five, and the treasurer of the said county is hereby required and directed, out of the money aforesaid, to pay to the commissioners, appointed by the act for raising money for building a court house and goal in Washington county, or their orders, the several sums of money to be by them drawn for, and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the monies by them to be received and expended for the purpose aforesaid, when thereunto required.

CHAP. 3.

AN ACT for raising monies in arrear from the late parish of Rye in the county of West Chester.

PASSED the 28th of January, 1794.

WHEREAS it hath been represented to the legislature, that a judgment **Preamble.** of fourteen pounds damages hath been obtained, by the executors of John Laurence deceased, against Joshua Purdy as one of the late church wardens of the late parish of Rye in the county of West Chester, for monies in arrear to their testator, for keeping and supporting a pauper committed to his care by the said Joshua Purdy, together with the costs of suit, and that other monies are in arrears from the said late parish of Rye to other persons; therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the supervisors of the said county of West Chester, or the major part of them, and they are hereby required at their next annual meeting, to examine into and ascertain the amount of the monies so recovered as aforesaid, as also the costs of defending the said suit, and to ascertain also the amount of other monies so due from the said late parish of Rye as aforesaid, and to cause the said monies, and also all such other sum and sums of money as they shall find to be so due, together with one shilling in the pound for collecting, and three pence in the pound for the fees of the county treasurer, for receiving and paying the same, to be levied on and raised from the towns which constitute the said late parish of Rye in the same manner as the contingent charges of the said county are usually raised, which monies, when so raised, shall be paid by the collector respectively, to the treasurer of the said county on or before the first Tuesday of February in the year one thousand seven hundred and ninety five who shall pay the same after deducting his fees, to the persons to whom the monies are due: And if any collector shall refuse, or neglect, to perform the duty required of him by this act, he shall forfeit and pay the sum of twenty pounds to the treasurer of the said county to be recovered with costs in any court having cognizance thereof by action of debt in the name of the treasurer of the said county for the time being, and to be disposed of for the use of the same county, in such manner and for such purposes, as the supervisors of the said county, or the major part of them, shall think proper and direct.

Parish of Rye, tax levy for poor.

CHAP. 4.

AN ACT to repeal the fourth section of the act entitled "An act more effectually to prevent the mischief arising from the influence and example of persons of equivocal and suspected character in this State.

PASSED the 30th of January, 1794.

Part of act
recited
repealed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the fourth section of the act entitled "An act more effectually to prevent the mischief arising from the influence and example of persons of equivocal, and suspected character in this State, be, and the same is hereby repealed.

CHAP. 5.

AN ACT act to alter the bounds of the towns of Bethlehem Rensselaer-ville and Watervliet in the county of Albany.

PASSED the 31st of January, 1794.

Preamble. WHEREAS the bounds of the said towns are very inconvenient. Therefore

Boundaries
of certain
towns in
Albany
county
changed.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the last Monday in March next, the town of Bethlehem, shall be bounded on the north by the south bounds of the city of Albany, so far westerly as to intersect an east line from the junction of the Vly-Kill with the Normans-Kill, then west thro' the said junction to the east bounds of the town of Rensselaer-ville. And that from and after the said last Monday in March next, the town of Watervliet, shall be bounded southerly by the north bounds of the town of Bethlehem as herein before described, and on the west by a line drawn from the north west corner of the said town of Bethlehem as herein before described, on a course north twenty six degrees west, until it intersects the Boza-Kill, then up along the said kill to the north bounds of the Manor of Rensselaerwyck. And that all the lands heretofore included in the said town of Watervliet and which are to the westward thereof as hereby described shall be included in the said town of Rensselaer-ville. And that the first town meeting in the town of Bethlehem shall be held at the house of Henry Berhans.

Provided always, That nothing herein contained shall be construed to include the city of Albany in the said town of Water-vliet.

CHAP. 6.

AN ACT directing where the courts of common pleas and general sessions of the peace for the county of Rensselaer shall be held.

PASSED the 3d of February, 1794.

Preamble. WHEREAS a court house has been lately erected in and for the county of Rensselaer. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Rensselaer county courts in.
That it shall be lawful for judges and assistant justices of the same court of common pleas, who shall hold the next court, or the major part of them, and for the justices of the peace who shall hold the next court of general sessions of the peace in the same county, or the major part of them, on the first day of the next term or sessions of the same courts respectively, or at any time thereafter, to adjourn the same courts respectively to the said court house in the same county, and there to hold the said courts.

CHAP. 7.

AN ACT to revive the powers of the commissioners appointed by an act entitled "An act for settling the line or lines of division between the town of Schenectady and the patent of Kayaderosseras, and to extend the time for making their determination.

PASSED the 6th of February, 1794.

WHEREAS by the act aforesaid Zephaniah Platt, James Kent and Peter Cantine of the county of Dutchess, and John Cantine and Cornelius C. Schoonmaker of the county of Ulster are appointed commissioners to hear and examine the controversy subsisting between the trustees of the town of Schenectady, and the proprietors of the patent of Kayaderosseras respecting the bounds of the said town and patent, and finally, by writing under the hands and seals of them or any three of them, to fix, ascertain and determine, the boundary line or lines between the said town and patent. And it is hereby enacted that the determination of the said controversy shall be made within one year from the passing of the said act. *And whereas* the time limited for making the said determination is expired; therefore, Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That all and singular the powers given in and by the said act to the commissioners therein named shall be and hereby are revived, and the time limited by the act aforesaid for compleating the hearing of and determining the said controversy, by the aforesaid commissioners or any three of them, shall be, and is hereby extended to the first day of January next. Time extended for commissioners to decide controversy.

CHAP. 8.

AN ACT to amend an act, entitled "An act to empower the justices of the peace, residing in that part of the township of Schenectady therein mentioned to establish and regulate a night watch and for other purposes therein mentioned.

PASSED the 6th of February, 1794.

WHEREAS the act establishing a night watch in the town of Schenectady has been found inadequate to the objects contemplated therein; therefore, Preamble.

Schenec-
tady night
watch,
relative to.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the watch directed in and by the said act shall consist of such number of men and officer or officers as the justices therein named or the major part of them shall direct and appoint, and that the sum of twenty pounds in the seventh section of the said act be and is hereby extended to fifty pounds any thing in said act to the contrary thereof notwithstanding.

CHAP. 9.

AN ACT to enable the mayor, recorder and aldermen of the city of New York, to order the raising monies by tax, for the maintenance of the poor and for defraying other expences arising in the city and county of New York.

PASSED the 6th of February, 1794.

New York
city, tax
levy for
contingent
purposes.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the mayor, recorder and aldermen of the city of New York, or the major part of them, of whom the mayor, or recorder to be one, shall be and hereby are, fully authorized and empowered, as soon as conveniently may be, after the first day of May next, to order the raising a sum not exceeding thirteen thousand pounds by a tax on the estates real and personal of the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county and for purchasing materials to build a new alms house in the said city; for making repairs and improvements in the goal and bridewell of the said city and subsisting the criminals from time to time confined therein respectively; for the repairing and maintaining the public roads, and regulating and improving the streets, and for paying the other contingent expences arising within and properly chargeable to the said city and county.

Id., for
improve-
ments at
the battery

And be it further enacted, That it shall and may be lawful for the mayor, recorder and aldermen aforesaid, or the major part of them of whom the mayor or recorder to be one, as soon as conveniently may be after the said first day of May next, to order the raising a further sum, not exceeding one thousand pounds to be assessed, raised, and collected in the manner aforesaid, to be applied to the reimbursement of the said corporation of the said city for their extra expenditures over and above the sums heretofore directed to be raised for the purpose of compleating the improvements at the battery and about the government house and making improvements in front of the goal, alms house and bridewell of the said city.

Id., for
night
watch and
street
lighting.

And be it further enacted, That it shall and may be lawful for the mayor, recorder and aldermen aforesaid, or the major part of them, of whom the mayor, or recorder to be one, as soon as conveniently may be after the said first day of May next, to order the raising a further sum not exceeding six thousand pounds, by a tax on the estates real and personal, of the freeholders and inhabitants within the said city, on the south side of a line, beginning at the outlet of the meadow of Anthony Lispenard into Hudson's river, then extending to and along the north side of the dwelling house of Nicholas Bayard, thence to and along the north side of the dwelling house of John R. Livingston and thence to and along the north side of the dwelling house of Abraham Cannen, to

the East river, to be applied to the payment of so many watchmen, as the mayor, aldermen and commonalty of the said city in common council convened, shall from time to time think necessary for guarding the said city, and also the purchasing oil, providing lamps and repairing and attending the lamps, which now are and from time to time hereafter may be erected within the said city; and also the making and repairing the pumps and wells in the said city and for the payment of such other contingent charges of the said city arising within the limits above mentioned and properly chargeable thereto, as the mayor, aldermen and commonalty of the said city in common council convened, shall think necessary, and from time to time direct; which said several sums of money shall be rated and assessed according to the estate of each respective person so to be taxed, and be collected in one payment and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of May next, as the said mayor, recorder and aldermen, or a major part of them, shall direct and appoint; any thing in the second section of the statute entitled "An act for the more effectual collection of taxes in the city and county of New York" contained, to the contrary notwithstanding.

And be it further enacted, That it shall be lawful for the collectors of the seventh ward of the said city, to retain in their hands, the sum of one shilling in the pound and the collectors in the several other wards the sum of nine pence in the pound and no more, for their trouble in collecting and paying to the treasurer or chamberlain of the said city, such sums of money as shall be raised by virtue of this act; and that it shall and may be lawful for the said treasurer or chamberlain to detain in his hands, the sum of two pence in the pound, and no more, for his trouble in receiving and paying the said monies.

Fees of
collectors
and treasurer.

CHAP. 10.

AN ACT to amend the act entitled "An act for the regulation of pilots and pilotage for the port of New York, and for other purposes, therein mentioned.

PASSED the 8th of February, 1794.

WHEREAS the pilotage allowed to the pilots of the port of New York has been found inadequate to their services; therefore

Be it enacted by the people of the State of New York represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful for every pilot heretofore appointed and commissioned or hereafter to be appointed and commissioned by virtue of the act, entitled "An act for the regulation of pilots and pilotage for the port of New York, and for other purposes therein mentioned" to ask, demand and receive of and from any person or persons who shall employ him to pilot any ship or other vessel from the respective places and in manner in the said act specified additional pilotage at the rate of two shillings for every foot of water such ship or other vessel shall draw over and above the rate of pilotage, heretofore allowed in and by the said act— And also that it shall and may be lawful to and for every pilot, commissioned and appointed in manner aforesaid, or hereafter to be commissioned and appointed under the act aforesaid, to ask, demand take and receive, from any person or persons who shall employ him to pilot any ships or other vessels being foreign bottoms, the extra allow-

Preamble.
Pilotage,
increased
rate of.

ance of twenty shillings on each and every of such ships or other vessels, over and above the rate of pilotage heretofore and herein allowed as aforesaid.

CHAP. 11.

AN ACT for the better security of certain bridges.

PASSED the 10th of February, 1794.

Preamble. WHEREAS considerable expence has accrued in erecting bridges over the Schoharry-Kill, Cats Kill, and East and West Canada creeks; and *whereas* material damage may be done to the said bridges by trees being carried down the said streams, in times of freshes or high-water; Therefore,

Penalty for falling trees in certain creeks. *Be it enacted, by the People of the State of New York represented in Senate and Assembly,* That if any person or persons shall hereafter cut, or cause to be cut down any tree or trees so that the same shall fall into any of the kills or creeks aforesaid and shall not remove the same out of the said kills or creeks within twenty four hours thereafter, such person or persons shall forfeit and pay for every such tree so cut down and left remaining as aforesaid, the sum of forty shillings, the one half for the use of any person who shall prosecute for the same, together with costs of suit, and the other half to the commissioners of highways, to be applied to the repairs of the highways in the town in which the offence shall be committed, to be recovered before any justice of the peace in the county where the offence shall be committed.

CHAP. 12.

AN ACT for rebuilding the bridge over the Ramapough creek in Orange county, and for other purposes.

PASSED the 10th of February, 1794.

Preamble. WHEREAS the freeholders and inhabitants of New Hampstead, Clarkstown and Haverstraw, in the county of Orange, by their petition to the legislature pray for a law to enable them to raise monies for rebuilding the bridge over the Ramapough creek, in the town of New Hampstead near the house of Lewis Shuert in the Clove and to repair the road called the Short Clove road near Haverstraw landing — Therefore

Appointment of superintendents to repair a certain bridge and road. *Be it enacted, by the People of the State of New York represented in Senate and Assembly,* That the supervisors of the towns of New Hampstead, Clarkstown, and Haverstraw or a majority of them are hereby directed and required as soon as conveniently may be after the first Tuesday in April next, to meet together and appoint not more than two freeholders of one or more of the said towns, one of them to superintend the rebuilding the said bridge, and the other of them for repairing the said Short Clove road, and make such alterations, in the same as either of them may think necessary and best for public good and to agree or contract with capable workmen and labourers to prosecute the rebuilding the said bridge and repairing the said Short Clove road.

Tax levy for bridge and road. *And be it further enacted,* That the supervisors of the county of Orange, or a majority of them at their next annual meeting, are hereby authorised,

and required, to cause to be levied and collected from the freeholders and inhabitants of the towns of New Hampsted, Clarkstown and Haverstraw a sum not exceeding eighty pounds for rebuilding the aforesaid bridge and a further sum not exceeding twenty pounds for repairing the said Short Clove road, and shall cause the same to be raised, levied and collected from the said towns of New Hampsted, Clarkstown, and Haverstraw, and to be paid to the county treasurer in like manner as other contingent charges of the said county are raised, levied, and paid, and the said treasurer is hereby directed and required to pay the said monies to the persons aforesaid on their producing an order from the said supervisors for that purpose, and that the said persons shall be allowed for their respective service such compensation as the supervisors of the county shall deem necessary.

And be it further enacted, That the persons appointed by virtue of this act, to superintend the rebuilding the bridge and repairing the road aforesaid shall account for all monies that shall come into their hands by virtue of this act, and shall exhibit their accounts respecting the same (on oath) to the supervisors of the county when thereunto required. Superintendents to account.

And be it further enacted, That the bridge and Short Clove road before mentioned, at all times hereafter shall be kept in repair by a public tax, on the freeholders and inhabitants of the said three towns, and the commissioners of the highways for the time being for the said towns, are hereby directed and required to cause the aforesaid bridge and road to be kept in repair and an account of the expense attending the same shall be transmitted to the supervisors of the county at their meeting on the last Tuesday in May in every year who are to audit, examine and liquidate the same, and divide the whole amount of the expenses so liquidated between the said three towns, in the same proportion as the other contingent charges of the county are apportioned, and to cause the same to be levied and collected from the freeholders and inhabitants of the said three towns respectively and paid to the county treasurer in like manner as the other contingent charges of the county are raised and paid & the said treasurer, is hereby directed and required, from time to time to pay the said monies to the said commissioners of the said towns respectively on their producing an order or orders from the supervisors as is usual in other cases. Maintenance of bridge and road to be a charge on towns named.

And whereas it appears, in the fourth section of the act entitled, An act for dividing the towns therein mentioned, passed the eighteenth day of March one thousand seven hundred and ninety one that the division line between the towns of New Hampsted and Haverstraw are improperly designated, therefore

Be it further enacted That instead of the north bounds of the lands of Gabriel Conklin in the division line between the towns of New Hampsted and Haverstraw, that the south bounds of said lands be part of the line of division between the said towns. New Hampstead and Haverstraw boundar .

CHAP. 13.

AN ACT to repeal the act entitled "An act for the better laying out and keeping in repair the public highways and private roads in the county of West Chester.

PASSED the 10th of February, 1794.

Be it enacted, by the People of the State of New York represented in Senate and Assembly, That the act entitled "An act for the better laying Acts recited repealed.

out and keeping in repair the public highways and private roads in the county of West Chester" passed the twenty fourth day of February one thousand seven hundred and ninety two — and the act entitled "An act to extend the act entitled "An act for the better laying out and keeping in repair the public highways and private roads in the county of West Chester to certain roads in the county of Montgomery shall be and hereby are repealed.

CHAP. 14.

AN ACT authorising the mayor aldermen and commonalty of the city of Albany to raise a sum by tax for the support of a night watch for one year.

PASSED the 10th of February, 1794.

Preamble.

WHEREAS the mayor, aldermen, and commonalty of the city of Albany have by their petition requested a law authorising them to raise a sum not exceeding four hundred pounds for the support of a night watch in the said city for one year. Therefore,

Albany
city, tax
levy for
night
watch.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawfull to and for the said mayor, aldermen, and commonalty in common council as soon as conveniently may be after passing of this act, to order the raising a sum not exceeding four hundred pounds by a tax on the estates real and personal of all and every the freeholders and inhabitants, within the said city within half a mile of Hudsons river and on the north side of a west line drawn from Hudsons river at the north corner of a tract of land commonly called the Dutch Church pasture, to be applied to the payment of so many watchmen as the said mayor, aldermen and commonalty have employed or shall think necessary to employ, for guarding the said city for one year, which said sum shall be rated and assessed by the assessors of the said city for the time being and levied and collected in the same manner as hath heretofore been accustomed within the said city, for levying and collecting the tax for the maintenance of the poor and other contingent charges, within the said city and that the tax shall be paid into the hands of the chamberlain of the said city for the time being, to be applied and disposed of from time to time in such manner for the purposes herein before mentioned as the said mayor, aldermen and commonalty of the said city in common council shall direct and appoint.

CHAP. 15.

AN ACT to repeal the act therein mentioned relative to French coins.

PASSED the 15th of February, 1794.

Act recited
repealed.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the act entitled "An act declaring the rates at which French crowns and guineas shall be received in payment of taxes and other public monies due to this State, and making it felony to counterfeit any silver French coins" shall be and the same is hereby repealed.

CHAP. 16.

AN ACT relative to the gaol of the county of Ontario.

PASSED the 25th of February, 1794.

Be it enacted by the people of the State of New York represented in Senate and Assembly That the buildings erected in the town of Canadagua in the county of Ontario for the purpose of confining prisoners shall and is hereby declared to be the gaol of the said county. Ontario county jail

CHAP. 17.

AN ACT to amend the act entitled An act to divide the towns therein mentioned.

PASSED the 25th of February, 1794.

Be it enacted, by the People of the State of New York represented in Senate and Assembly That all the towns erected in and by the act entitled "An act to divide the towns therein mentioned passed the twelfth day of March in the year one thousand seven hundred and ninety three shall be erected into distinct and separate towns from and after the last Monday of March next any thing in said act to the contrary notwithstanding. Towns erected, when act to take effect.

And be it further enacted That the name Victor I. Putman mentioned in the second enacting clause of the said act shall henceforth be considered as Victor A. Putman. Error in name corrected.

CHAP. 18.

AN ACT for erecting lands called the Military Tract into a separate county.

PASSED the 5th of March, 1794.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all that tract of land called the Military tract, bounded westerly by the county of Ontario, northerly by lake Ontario, the Onondaga river and the Oneida lake, easterly by the east bounds of the lands in the said tract laid out for townships and called by the names of Cincinnatus, Solon Fabius and Pompey, and the easterly and northeasterly bounds of lands in the said tract laid out for townships, and called by the names of Manlius and Cicero, as the same have been run and marked by the surveyor general of this State, and southerly, by the south bounds of the lands in the said tract laid out for townships, and called by the name of Cincinnatus, Virgil, Dryden, Ulysses and Hector, as the same have been run and marked by the surveyor general of this State, and the same line continued to the east bounds of the county of Ontario, shall be one separate county, and be called and known by the name of Onondaga. Onondaga county erected.

Courts,
terms of.

And be it further enacted by the authority aforesaid, That there shall be held in and for the said county of Onondaga, a court of common pleas and a court of general sessions of the peace, and their shall be two terms of the said courts in every year, to commence and end as follows, that is to say, the first term of the said courts shall begin on the fourth Tuesday of May and shall continue and be held until the Saturday following inclusive, and the second term of the said courts shall begin on the fourth Tuesday of December, and shall continue and be held until the Saturday following inclusive. And the said courts of common pleas and general sessions of the peace shall have the same jurisdiction, powers and authorities in the same county, as the courts of common pleas and general session of the peace in the other counties of this State have in their respective counties. *Provided always* that nothing in this act contained shall be construed to affect any suit or action already commenced, or that shall be commenced, or any criminal proceeding had or to be had, before the fourth Tuesday of May next, but all such criminal and civil proceedings, shall and may be prosecuted to trial, judgment and execution as if this act had never been made.

Courts,
where to
be held.

And be it further enacted by the authority aforesaid, That until other legislative provision be made in the premises, the courts of common pleas and general sessions of the peace in the said county of Onondaga, shall be held alternately at the house now occupied by Reuben Patterson in the town of Manlius, and at the house of Seth Phelps in the town of Scipio, beginning with the first.

Prisoners,
where to be
confined.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for all courts and officers of the said county of Onondaga in all cases civil and criminal, to confine their prisoners in the gaol of the county of Herkemer, until a gaol shall be provided in the same county of Onondaga.

Towns in
Onondaga
county;
Homer.

And be it further enacted by the authority aforesaid, That all that part of the said county of Onondaga, comprehending the townships of Homer, Solon, Virgil and Cincinnatus shall be and hereby is erected into a town by the name of Homer, and that the first town meeting to be holden in and for the said town of Homer, shall be held at the house of John Miller in the said town. And that all that part of the said county, comprehending the townships of Pompey Tully and Fabius, together with that part of the lands called the Onondaga Reservation, bounded northerly by the road leading through the said reservation, commonly called the Genesee road, and westerly by the Onondaga creek, shall be and hereby is erected into a town by the name of Pompey, and that the first town meeting to be holden in and for the said town of Pompey, shall be held at the house of Ebenezer Butler junior in the said town. And that all that part of the said county comprehending the township of Manlius, together with that part of the said Onondaga Reservation bounded southerly by the aforesaid road and westerly by the said Onondaga creek and the Salt lake, shall be and hereby is erected into a town by the name of Manlius, and that the first town meeting to be holden in and for the said town of Manlius, shall be held at the house of Benjamin Moorehouse in the said town. And that all that part of the said county comprehending the townships of Lysander, Hannibal, and Cicero, shall be and hereby is erected into a town by the name of Lysander, and that the first town meeting to be holden in and for the said town of Lysander shall be held at the house of Rial Bingham at Three Rivers in the said town. And that all that part of the said county comprehending the townships of Camillus and

Pompey.

Manlius.

Lysander.

Marcellus.

Marcellus, together with all the residue of the Onondaga Reservation, and the residue of the reserved lands lying southwest of the said Salt lake, shall be and hereby is erected into a town by the name of Marcellus, and that the first town meeting to be holden in and for the said town of Marcellus shall be held at the house of Moses Carpenter in the said town. And that all that part of the said county, comprehending the townships of Ulysses and Dryden, shall be, and hereby is erected into a town by the name of Ulysses, and that the first town meeting to be holden in and for the said town of Ulysses shall be held at the house of Peter Hymphagh in the said town. And that all that part of the said county, comprehending the townships of Milton and Locke, shall be and hereby is erected into a town by the name of Milton, and that the first town meeting to be holden in and for the said town of Milton shall be held at the house of Jonathan Woodworth in the said town. And that all that part of the said county comprehending the townships of Scipio and Sempronious, together with that part of the lands reserved to the Cayuga nation of Indians lying on the east side of the Cayuga lake, south of a west line drawn from the southwesterly corner of the township of Aurelius in the east bounds of the said Reservation, to the said Cayuga lake, shall be, and hereby is erected into a town by the name of Scipio, and that the first town meeting to be holding in and for the said town of Scipio, shall be held at the house of Augustus Chidsey in the said town. And that all that part of the said county comprehending the townships of Cato, Brutus and Aurelius, together with that part of the lands reserved to the Cayuga nation of Indians as aforesaid, lying on the east side of the Cayuga lake, and not included in the last mentioned town of Scipio, shall be and hereby is erected into a town by the name of Aurelius, and that the first town meeting to be holden in and for the said town of Aurelius, shall be held at the house of Prentice Palmer in the said town. And that all that part of said county, comprehending the townships of Ovid and Hector, and all the lands in the said county of Onondaga, lying on the west side of the Seneca lake, shall be and hereby is erected into a town by the name of Ovid, and that the first town meeting to be holden in and for the said town of Ovid, shall be held at the house of James Jackson in the said town. And that all that part of the said county, comprehending the townships of Romulus, Junius and Galen, together with the lands lying west of the townships of Hannibal and Cato, north of the said township of Galen, and south of Lake Ontario, as also all that part of the lands reserved to the Cayuga nation of the Indians, lying on the west side of the Cayuga lake, shall be and hereby is erected into a town by the name of Romulus, and that the first town meeting to be holden in and for the said town of Romulus, shall be held at the house of Benaiah Boardman in the said town.

And be it further enacted by the authority aforesaid, That the freeholders and inhabitants of the said county of Onondaga, and of the several towns therein, shall have and enjoy within the same respectively, all and every the same rights, powers, and privileges, that the freeholders and inhabitants of the several other counties and towns within this State, are by law entitled to have and enjoy.

And be it further enacted by the authority aforesaid, That until other provision shall be made by law, the freeholders and inhabitants of the said county of Onondaga, shall give their votes for a member of the assembly, in the same manner as if the said county of Onondaga was part of the county of Herkemer, and that the votes taken in the said county of Onondaga at each election for a member of the assembly, shall

be delivered by the clerk of the said county of Onondaga to any one of the supervisors of the said county of Onondaga, who shall carry the same to the office of the clerk of the county of Herkemer without delay, and the said clerk of the county of Herkemer shall deliver the same to the supervisors of the said county on the last Tuesday of May in every year, and the same, together with the votes taken at the same election in the said county of Herkemer shall be canvassed by the supervisors of the county of Herkemer, and by any one or more of the supervisors of the county of Onondaga who may attend for that purpose.

CHAP. 19.

AN ACT concerning pardons.

PASSED the 12th of March, 1794.

Pardons
may be
granted on
condition.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this State for the time being in all cases in which he is authorized by the constitution to grant pardons, to grant the same upon such conditions, and with such restrictions and under such limitations as he may think proper.

CHAP. 20.

AN ACT for the relief of William Bedel.

PASSED the 12th of March, 1794.

Preamble.

WHEREAS it appears that William Bedel of the county of Westchester hath a claim on bond against the forfeited estate of Nathaniel Whitney conditioned for the payment of fifty pounds with interest, and that the sum thereon hath been liquidated according to the act in such case made and provided at ninety six pounds nine shillings and five pence but that the application for the payment of the same, was not made to the treasurer of this State within the time limited for that purpose. Therefore

Appropriation
for
William
Bedel.

Be it enacted by the People of the State of New York represented in Senate and Assembly That upon the delivery of the bond aforesaid to the treasurer of this State, the said treasurer shall out of any monies in the treasury arising from the sales of the estate of the said Nathan Whitney, pay to the said William Bedel or his legal representative the said sum of ninety six pounds nine shillings and five pence,

CHAP. 21.

AN ACT for the better extinguishing fires in the city of Hudson.

PASSED the 19th of March, 1794.

Firemen to
be appointed
in city of
Hudson.

Be it enacted by the people of the State of New-York represented in Senate and Assembly, That it shall and may be lawful for the mayor recorder and aldermen and commonalty of the city of Hudson in com-

mon council convened or the major part of them to nominate and appoint a sufficient number of men (willing to accept) not exceeding twenty, to every fire engine now provided or hereafter to be provided for the use of said city out of the inhabitants being freeholders or free-men of the said city to have the care management working and using the said fire engines, and the other tools and instruments, now or hereafter to be provided for extinguishing fires within the said city which persons so to be nominated and appointed as aforesaid shall be called the firemen of the city of Hudson who are hereby required to be ready at all times as well by night as by day to manage work and use the said fire engines and other tools and instruments aforesaid.

And be it further enacted That each of the persons so to be nominated and appointed a fireman shall during his continuance in office, be exempted and privileged from serving in the office of constable and from being impanelled upon any jury or inquest (except in the mayors court of the said city) and for this purpose the name of each fireman to be appointed by virtue of this act, shall be entered with the clerk of the said city, and his certificate shall be sufficient evidence in all courts and elsewhere of such exemption and privilege; *and further*, that the said mayor recorder aldermen and commonalty in common council convened or the major part of them shall have power from time to time to remove any firemen so to be appointed, and others to appoint in the stead of those removed when and as often as they shall think proper; *and further* that it shall be lawful for the said mayor recorder aldermen and commonalty or the major part of them in common council convened, to make establish and ordain such rules and regulations for the government duty and behaviour, of the persons so to be appointed firemen as aforesaid, in the working and frequent using and trying the said fire engines, tools and instruments, and to impose such reasonable fines and penalties upon such firemen or any of them for default in performing the duties thereby to be enjoined or required from them, as they from time to time may think proper.

Exemptions of firemen.

Removals.

Rules and regulations

And be it further enacted, That upon the breaking out any fire within the said city, the marshal and constables then being in the said city, upon notice thereof shall immediately repair to the place where such fire shall happen with their staves and other badges of authority, and be aiding and assisting as well in extinguishing the said fires, as in preventing any goods from being stolen and also in removing and securing the same. And in the execution of the duties required of them by this act shall in all respects be obedient to the mayor recorder and aldermen of the said city or such of them as shall be present at any such fires.

Marshals and constables, duty of.

And be it further enacted, That it shall be lawful for the mayor recorder aldermen and commonalty of the said city or a major part of them in common council convened, to direct and require the inhabitants or owners of dwelling houses and other buildings in the said city to provide themselves with such and so many fire buckets to be ready in such houses and buildings, for the purpose of extinguishing fires, and to impose such reasonable fines and penalties for disobedience thereof as they shall think proper

Fire buckets, inhabitants to provide.

CHAP. 22.

AN ACT respecting the streets and highways in the city of Hudson.

PASSED the 19th of March, 1794.

Hudson
city, tax
levy for
streets.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for the mayor, recorder, aldermen and commonalty of the city of Hudson in common council convened or a major part of them to raise a sum of money upon the freeholders and inhabitants of the said city not exceeding two hundred and twenty pounds for the purpose of making mending and repairing the streets roads and highways therein, to be assessed collected and paid in such manner as the other contingent charges of the said city are directed by law to be assessed collected and paid.

CHAP. 23.

AN ACT concerning the partition of land of which Cadwallader Colden deceased, was tenant in common.

PASSED the 20th of March, 1794.

Preamble.

WHEREAS Cadwallader Colden deceased, in and by his last will and testament directed, that all his lands should be divided into five equal classes, and that the same should be ballotted for and assigned to his several children, being five in number, or to their respective representatives. *And whereas* Cadwallader Colden surviving executor of the said Cadwallader Colden deceased, did allot the real estate of his said testator, into five equal classes, and did execute a deed of partition therefor in pursuance of the said will, that in the said classes was contained the undivided shares of lands in which the said Cadwallader Colden deceased was tenant in common. *And whereas* in and by the said will, the said Cadwallader Colden surviving executor aforesaid was also authorized for the purposes of making a more just and equal division of the real estate of the said testator, to sell the whole or any part thereof, and also to divide and execute deeds of partition of any lands which the said testator held in common. *And whereas* the said testator was at the time of his decease, tenant in common of several large tracts of land, particularly of a tract of thirty thousand acres of land granted to John Rapalie and others, which said tract of land, at a considerable expence, hath been surveyed and subdivided into farms or allotments in order to make a fair and equal partition thereof among all the proprietors of the same. *And whereas* the one fifth part of the said tract of land, and of all other tracts of land of which the said Cadwallader Colden deceased, at the time of his death was tenant in common, belongs to the representatives of Alexander Colden deceased, who was one of the children of the said Cadwallader Colden deceased, several of whom are absent beyond seas and minors. *And whereas* doubts have arisen, whether by reason of the said deed of partition, the said Cadwallader Colden surviving executor aforesaid can, by law execute the trust reposed in him by the said testator, relative to the partition of his said estate. *And whereas* all the persons holding under the aforesaid partition deed, excepting the representatives

of Alexander Colden deceased, have prayed the interposition of the legislature in and respecting the premises, with which the largest proprietor under the said Alexander Colden deceased hath joined, and this being a case, in which legislative interposition will serve as well to promote the interest of each of the parties concerned in the said State, as to carry the intention of the testator into effect. Therefore.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said Cadwallader Colden together with Goldsbrow Banyar and James Fairlie shall be and they are hereby constituted trustees for the purpose of dividing and executing deeds of partition of any of the real estate, whereof the said Cadwallader Colden deceased at the time of his death was seized as tenant in common, according to the true intent and meaning of his said will, and for the subdivision thereof, in and among the representatives and devisees of the said Cadwallader Colden deceased, and that it shall and may be lawful for the said Cadwallader Colden surviving executor as aforesaid and the said Goldsbrow Banyar and James Fairlie or the survivors or survivor of them, and they are hereby empowered and authorized in their own names, or in the name of the survivors or survivor of them as trustees or trustee under this act, to join with all or any of the proprietors of all or any of the tracts of land whereof the said Cadwallader Colden deceased was tenant in common, in all acts and proceeding necessary for the equal division thereof, and to do all act necessary or proper for the subdivision thereof in and among the representatives and devisees of the same, under the will of the said Cadwallader Colden deceased, and on such division or subdivision, as they or the survivors or survivor of them may judge necessary to represent, and to act for and in behalf of all the representatives and devisees of the said Cadwallader Colden deceased, and all persons holding under them or any of them as well in their joint as in their several capacities, and to execute all deeds assignments and other instruments of writing which may be proper and necessary for rendering such division and partition, or subdivision and partition, as the case may be, final and conclusive, in and among all parties who may be interested therein. *Provided always,* that to give effect to any partition under this act, every proceeding therein as far as relates to the said Cadwallader Colden, Goldsbrow Banyar and James Fairlie shall be approved of in writing by one or more of the justices of the supreme court of judicature of this State, and that the truth of all surveys, field books and maps of the surveyor or surveyors entrusted to make any survey, subdivisions and allotments, and which may be used for the purposes of making partition as aforesaid, shall be proved by his or their oath, to be administered by the said justices or one of them.

Trustees
named to
execute
deeds of
partition
of lands of
Cadwallader
Colden,
deceased.

And be it further enacted by the authority aforesaid, That all expences attending the execution of the trust hereby reposed in the said Cadwallader Colden Goldsbrow Banyar and James Fairlie, shall be paid by the said Cadwallader Colden surviving executor aforesaid, and shall be by him charged to the estate of the said Cadwallader Colden deceased, to be paid by the respective devisees and the representatives of the said Cadwallader Colden deceased, in proportion to the several interests in his said estate by virtue of his said last will and testament.

Expenses
of trust.

CHAP. 24.

AN ACT for the relief of Walter Vroman Wimple.

PASSED the 22d of March, 1794.

Preamble. WHEREAS it appears that Walter Vroman Wimple, treasurer of the county of Columbia, has paid into the treasury of this State, the sum of one hundred and sixty nine pounds, ten shillings and three pence in certificates, in anticipation of taxes to be collected in the said county pursuant to an act of the legislature passed the twenty seventh day of February, one thousand seven hundred and eighty nine. *And whereas* the arrears of the taxes on which such anticipated payment was made were afterwards remitted by law, whereby the said Walter Vroman Wimple was deprived of the power of reimbursing himself. Therefore

Columbia county treasurer to be credited by State treasurer for certain moneys paid.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the treasurer of this State shall, and he is authorised to credit the treasurer of the county of Columbia on the arrears of taxes due from the said county for the years one thousand seven hundred and eighty six, one thousand seven hundred and eighty seven, and one thousand seven hundred and eighty eight, with the sum of one hundred and ten pounds four shillings and three pence, which shall be in full for the sum of one hundred and sixty nine pounds, ten shillings and three pence, paid by the treasurer of the said county, in anticipation of the taxes due therefrom previous to the said year one thousand seven hundred and eighty six and which were by law remitted; and which sum the said Walter Vroman Wimple shall retain in his hands out of the arrears still due from the said county when collected in full of the anticipation so made as aforesaid.

CHAP. 25.

AN ACT for the relief of Zina Hitchcock Philip Smith and James Caldwell.

PASSED the 22d of March, 1794.

Preamble. WHEREAS Zina Hitchcock and Philip Smith purchased of the commissioners of the land office, one thousand and eighty one acres of land situate in the county of Washington and accordingly obtained letters patent for the same under the great seal of this State bearing date the eighteenth day of January one thousand seven hundred and ninety two, the greatest part of which said land had been previously granted and patented under the late colony of New York. Therefore

Land grant to Zina Hitchcock and Philip Smith.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful to and for the commissioners of the land office, and they are hereby directed to cause to be laid out for the said Zina Hitchcock and Philip Smith at their expence a tract of unappropriated land within this State situate and being within the counties of Washington and Clinton or elsewhere north of the Mohawk river not exceeding one thousand and eighty one acres of land of equal value as near as may be to the said one thousand

and eighty one acres of land heretofore granted to the said Zina Hitchcock and Philip Smith at the time of the grant to them and to cause the same to be granted by letters patent under the great seal of this State to them and their heirs and assigns upon their granting and surrendering in due form of law, all their right, title and interest of in and to the said one thousand and eighty one acres above mentioned to have been patented as aforesaid by the said Zina Hitchcock and Philip Smith to the people of this State.

And whereas James Caldwell as appears to the legislature did locate two hundred acres of land in the county of Washington by virtue of a class right and has received letters patent for the same the greatest part of which land appears to have been previously patented under the late colony of New York. Therefore

Be it further enacted That it shall and may be lawful for the commissioners of the land office and they are hereby directed to cause to be laid out for the said James Caldwell at his own expence a tract of unappropriated land within this State situate and being within the counties of Washington or Clinton or elsewhere north of the Mohawk river, not exceeding two hundred acres of equal value as near as may be, to the said two hundred acres of land heretofore granted to the said James Caldwell as aforesaid at the time of the grant thereof and to cause the same to be granted by letters patent under the great seal of this State to him and to his heirs and assigns, upon his surrendering and granting in due form of law, all his right, title and interest of and to the said two hundred acres of land above mentioned to have been granted as aforesaid to him.

Land grant
to James
Caldwell.

CHAP. 26.

AN ACT giving relief to certain persons having claims against forfeited estates and for other purposes therein mentioned.

PASSED the 22d of March, 1794.

WHEREAS it hath been represented to the legislature, that Joseph Merritt and Robert Bloomer, late of Rye in the county of Westchester yeomen, deceased in the life time of the said Joseph Merritt and of the said Robert Bloomer to wit on the nineteenth day of March one thousand seven hundred and seventy three, executed to Francis Van Cortlandt of Yonkers in the county aforesaid, a bond for the proper debt of the said Joseph Merritt conditioned for the payment of seventy pounds on or before the nineteenth day of March then next with lawful interest for the same. That Joseph Wilson and William Brundage executors of the last will and testament of the said Robert Bloomer deceased, did on the twenty sixth day of March one thousand seven hundred and eighty-seven pay in discharge of the said bond the sum of eighty pounds. That the estate of the said Joseph Merritt hath been confiscated and that there is now in the treasury after paying the claims that have been legally made against the forfeited estate of the said Joseph Merritt a sum more than sufficient to pay to the said executors the above said sum with interest for the same. Therefore

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That it shall and may be lawful for the said Joseph Wilson and William Brundage executors as aforesaid to present a petition to the chancellor or one of the judges of the supreme court of

Supreme
court to
pass on
equity of
claim.

judicature of this State for the time being, stating their claim against the estate of the said Joseph Merritt giving the attorney general of this State at least twenty days previous notice thereof and delivering to him a copy of such petition with the said notice in order that he may attend in behalf of the people of this State and the said chancellor or judge to whom such petition shall be addressed and presented shall be and hereby it authorized and required to hear and examine the claim of the said Joseph Wilson and William Brundage and all matters concerning the same and, according to equity and good conscience to determine and ascertain whether any and what sum of money ought to be paid out of the estate of the said Joseph Merritt for or by reason of the said bond and payment as aforesaid, to indemnify the estate of the said Robert Bloomer, and shall make and subscribe a certificate of such determination directed to the treasurer of this State and the said treasurer is hereby authorized and required to pay to the said Joseph Wilson and William Brundage out of any money then in the treasury not otherwise appropriated, such sum as shall be ascertained by such certificate to be due or payable to them, out of the estate of the said Joseph Merritt, taking a receipt for the same upon the said certificate.

And whereas Hendrick Oothoudt and Catharine Douw widow and relict of Andrew Douw deceased in behalf of themselves and others the heirs and devisees of Volkert Douw deceased, have set forth by their petition, that on the fifth day of January in the year one thousand seven hundred and sixty five, the aforesaid Volkert Douw did become bound with William Bayard late of the city of New York as his surety unto the minister, elders, and deacons of the Reformed Protestant Dutch church of the city of Albany, in the sum of eight hundred pounds current money of this State, payable with interest at the rate of six per cent in one year from the date of the said bond on which said bond the said William Bayard made several payments which were endorsed thereon, and that a large ballance still remains due on the said bond.

And whereas the said Volkert Douw died previous to the late war.

And whereas a suit has been commenced against the heirs and devisees of the said Volkert Douw deceased, upon the said bond and on which a judgment must soon be obtained.

And whereas the said William Bayard during the late war between the king of Great Britain and the United States of America was convicted of the offence of adhering to the enemies of this State, and his estate became thereby forfeited and the produce thereof deposited in the treasury of this State, and the said petitioners pray that the legislature will grant relief in the premises by directing the amount remaining due upon the said bond to be paid out of the forfeited estate of the said William Bayard. Therefore.

1a.

Be it further enacted that it shall be lawful for the heirs and devisees of the said Volkert Douw to present a petition to the chancellor or one of the judges of the supreme judicature of this State for the time being, stating their claim against the estate of the said William Bayard by reason of the premisses, giving the attorney general of this State at least twenty days previous notice thereof, and delivering to him a copy of such petition with the said notice in order that he may attend in behalf of the people of this State and the chancellor or judge to whom such petition shall be addressed and presented, shall be and hereby is authorized and required to hear and examine the said claim of the said heirs and devisees, and all matters concerning the same and to determine and ascertain whether any and what sum of money ought to be paid out of the estate of the said William Bayard to indemnify the said

heirs and devisees by reason of the said Volkert Douw becoming security as aforesaid for the said William Bayard, and shall make and subscribe a certificate of such determination directed to the treasurer of this State and the said treasurer is hereby authorized and required to pay on behalf of the said heirs and devisees to the said minister elders and deacons of the Reformed Protestant Dutch church in the city of Albany out of any money then in the treasury not otherwise appropriated, such sum as shall be ascertained by such certificate, to be due and payable to them out of the estate of the said William Bayard taking a receipt for the same upon the said certificate from the said minister elders, and deacons of the Reformed Dutch church in the city of Albany in full of the bond aforesaid.

And whereas John Tabor Kempe by his certain bill obligatory bearing date the twenty seventh day of June in the year of our Lord one thousand seven hundred and sixty six, became bound to John McKesson for the payment of the sum of thirty six pounds and eight pence, on demand.

And whereas the estate of the said John Tabor Kempe is forfeited to and vested in the people of this State and it is represented to the legislature, that the proceeds thereof more than sufficient to pay the said debt are now in the treasury and that the said John McKesson could not in due time avail himself of the provision made by law for the payment of the said debt on account of the said bond having been then mislaid. Therefore

Be it further enacted That the treasurer of this State is hereby authorized and required to pay to the said John McKesson on demand the principal and interest due on the same bill obligatory taking a receipt for the same on the same bill obligatory. Appropriation to John McKesson.

Provided there shall be so much money then in the treasury, arising from the estate of the said John Tabor Kempe and if there shall not be so much, then the treasurer shall pay the amount then remaining in the treasury and no more.

And whereas Henry Clapp of Rumbout precinct in the county of Dutchess, was indebted unto Ann Chambers of the city of New York deceased in the sum of two hundred and forty pounds eleven shillings and five pence.

And whereas, on a division of the estate of the said Ann Chambers among her legatees the bond which had been taken to secure the said debt fell to the share of Elizabeth Clarkson now deceased.

And whereas William Axtell late of the city of New York after the decease of the said Elizabeth Clarkson and as one of her executors on the ninth day of January, one thousand seven hundred and seventy six renewed the same bond in his own name, and also then took a mortgage from the said Henry Clap for certain lands in Dutchess county as a security for said debt, but for the use and benefit of the children of the said Elizabeth Clarkson deceased, who were then minors.

And whereas the said Henry Clapp did on the thirtieth day of April one thousand seven hundred and eighty seven pay into the treasury of this State the sum of three hundred and six pounds one shilling and two pence in public securities being the amount of the principal and interest then due on the said last mentioned bond as foreited to the people of this State by the attainder of the said William Axtell. Therefore

Be it further enacted That the treasurer of this State pay to David M. Clarkkson and Matthew M. Clarkson the only children of the said Elizabeth Clarkson deceased out of any monies unappropriated in the treas- Appropriation to David M. Clarkkson et al.

ury of this State the said sum of three hundred and six pounds one shilling and two pence with interest from the said thirtieth day of April one thousand seven hundred and eighty seven at and after the rate of five per centum per annum untill the same shall be so paid and that such payment shall be in full discharge and satisfaction of the said bond and mortgage.

And whereas Margaret Crooke widow and relict of John Crooke deceased, hath by her petition set forth that her said husband died seized of certain real property in this State, leaving Margaret his daughter and only child who was afterwards married to Charles Inglis late of the city of New York clerk.

And whereas previous to the said intermarriage it was agreed by and between the said Margaret the daughter of the said John Crooke and his said widow, that she should receive from her said daughter the sum of one thousand five hundred pounds, in lieu and full satisfaction of her right of dower in and to the estate of her said husband.

And whereas after the intermarriage aforesaid the said Charles Inglis and Margaret his wife sold and conveyed to Henry Livingston of the county of Dutchess, a certain tract of land being part of the estate of the said Charles Crooke deceased, and took a bond in his own name from the said Henry Livingston bearing date the twenty eighth day of October one thousand seven hundred and seventy four conditioned for the payment of one hundred pounds in part payment thereof.

And whereas it appears that in the year one thousand seven hundred and seventy five, the said Margaret Crooke did receive from the said Charles Inglis the said bond in part satisfaction and payment of the aforesaid sum of money so agreed to be received in satisfaction of her dower as aforesaid.

And whereas the estate of the said Charles Inglis and Margaret his wife hath been forfeited to and vested in the people of this State.

And whereas the said Henry Livingston on the twenty seventh day of June, one thousand seven hundred and eighty five paid into the treasury of this State in public securities the sum of one hundred and six pounds being the amount of the bond aforesaid and in discharge thereof.

And whereas the said Margaret Crooke in pursuance of the act entitled An act for the speedy sale of the confiscated and forfeited estates within this State and for other purposes therein mentioned, exhibited her demands against the forfeited estate of the said Charles Inglis, by reason of the premises and had a ballance duly certified in her favor.

And whereas the account rendered by the said Margaret Crooke on that occasion gave the forfeited estate of the said Charles Inglis credit for the amount of the bond so executed as aforesaid by the said Henry Livingston being ignorant that the same was discharged by the payment into the treasury as aforesaid. Therefore.

Appropriation to Margaret Crooke.

Be it enacted by the authority aforesaid, That the treasurer of this State pay and he is hereby required to pay unto the said Margaret Crooke or her lawful representative the said sum of one hundred and six pounds together with the interest thereof from the said twenty seventh day of June one thousand seven hundred and eighty five untill the time he shall so pay the same at and after the rate of five per centum per annum, and that such ayment shall be in full discharge and satisfaction of the said bond.

CHAP. 27.

AN ACT to provide field artillery, arms accoutrements and ammunition for the use of the militia of this State.

PASSED the 22d of March, 1794.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That a sum not exceeding seventy five thousand dollars be appropriated to the purchase of field artillery, arms, accoutrements and ammunition for the use of the militia of this State, and that Matthew Clarkson, James Watson and Benjamin Walker be commissioners for that purpose and that they or any two of them are hereby, authorized to purchase such field artillery, arms, accoutrements, and ammunition agreeably to such instructions as they may receive from the person administering the government of this State. Appropriation for field artillery, etc.

And be it further enacted That the field artillery, arms accoutrements and ammunition so to be purchased, shall be deposited in such place or places as the person administering the government of this State shall from time to time direct, there to remain subject to his order. Where to be kept.

And be it further enacted, That the said commissioners or any two of them shall be and they are hereby impowered to procure or erect such building or buildings as may be necessary for places of deposit for such field artillery, arms, accoutrements and ammunition as may be purchased by virtue of this act, agreeably to such directions as they shall from time to time receive from the person administering the government of this State. Arsenal to be erected.

And be it further enacted That it shall be the duty of the treasurer of this State to pay to the said commissioners or any two of them on the warrant of the person administering the government of this State, such sum or sums of money as they, or any two of them may apply for, not exceeding in the whole, the aforesaid sum of seventy five thousand dollars. Payments to commissioners.

And be it further enacted That the legislature will hereafter make provision for compensating the said commissioners for their services, and that the person administering the government of this State shall appoint suitable persons to take charge of the said field artillery arms accoutrements and ammunition and that the legislature will hereafter provide for paying such persons a reasonable compensation for their services. Future provisions.

CHAP. 28.

AN ACT for granting an additional term of the courts of common pleas for the counties of Otsego and Herkemer.

PASSED the 22d of March, 1794.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That there shall be an additional term of the courts of common pleas held in and for the county of Otsego on the third Tuesday of October in every year at the place where the said courts of common pleas is now held in and for said county of Otsego, and may continue and be held until the next Saturday following inclusive. Otsego county, courts in.

Herkimer
county
courts in.

And be it further enacted, That there shall be an additional term of the courts of common pleas held in and for the county of Herkemer, on the first Tuesday in October in every year to be held alternately in succession with the other courts of common pleas at the court house in Herkemer county and at the place in Whites-town where the courts of common pleas and general sessions of the peace adjourned to in said town pursuant to a law in that case made and provided and may continue and be held until the Saturday next inclusive.

CHAP. 29.

AN ACT for laying out and improving a road from old Fort Schuyler, to the Genesee river.

PASSED the 22d of March, 1794.

Road from
old Fort
Schuyler to
the Gene-
see river.

Be it enacted by the People of the State of New York, represented in Senate and Assembly That Israel Chapin Michael Myer and Othniel Taylor shall be and hereby are appointed, commissioners for the purpose of laying out and improving a public road or highway to begin at Old Fort Schuyler on the Mohawk river and to run from thence in a line as nearly straight as the situation of the county will admit to the Cayuga Ferry in the county of Onondaga or to the outlet of the Cayuga lake at the discretion of the said commissioners and from the said outlet of the Cayuga lake or from the said Cayuga Ferry as the same may be determined on by the said commissioners in a line as nearly straight as the situation of the country will admit to the town of Canadaquai and from thence in a line as nearly straight as possible to the settlement of Canawagas on the Genesee river.

Width of
road.

And be it further enacted That the said road shall be laid out six rods wide, but it shall not be necessary for the said commissioners to open and improve the same above four rods wide in any part thereof. And the whole of the said road when laid out, shall be considered as a public highway and shall not be altered by the commissioners of any town or country through which the same shall run.

Appropriation.

And be it further enacted That the treasurer of this State shall pay to the said commissioners or any two of them a sum or sums of money not exceeding in the whole the sum of six hundred pounds out of the monies in the treasury which have arisen or may arise from the sale of military lots to be laid out and expended towards the opening and improving that part of the said road passing through the military lands.

Id.

And be it further enacted That for the purpose of laying out opening and improving the remainder of the said road, the said treasurer shall pay unto the said commissioners or any two of them out of any monies in the treasury not otherwise appropriated at the end of the present session of the legislature a sum not exceeding fifteen hundred pounds which said sum shall be by them laid out and expended in making or improving the remainder of the said road as aforesaid. *Provided* that no larger proportion of the said sum of fifteen hundred pounds shall be appropriated towards the opening and improving of the said road in the county of Ontario than in the county of Herkemer.

Contracts
allowed.

And be it further enacted That it shall and may be lawful to and for the said commissioners or any two of them to improve the said road by contract or otherwise as to them may appear the most proper.

And be it further enacted That where any part of the said road shall be laid out through any inclosed or improved lands the owner or owners thereof shall be paid the value of the said lands so laid out into an highway with such damages as he, she or they may sustain by reason thereof which value and damages shall be settled and agreed upon by the said commissioners or any two of them and the parties interested therein, and if they cannot agree, then the value of the lands and damages shall be appraised by two justices of the peace, on the oaths of twelve freeholders not interested in paying or receiving any part of such appraisement, otherwise than in paying their proportion of the taxes for the contingent charges of the county which freeholders shall be summoned by any constable not otherwise interested than as aforesaid, by virtue of a warrant to be issued by the said two justices of the peace for that purpose, and the whole value of the said lands so laid out into an highway, and damages together with the costs of ascertaining the value of the said damages shall be levied collected and paid as the other contingent charges of the county in which the said lands shall be situated are levied collected and paid.

Damages
for lands
taken.

And be it further enacted That each of the said commissioners shall be entitled to receive for their services the sum of sixteen shillings for every day they shall be respectively employed in the said business to be paid by the respective counties in which they shall so be employed which sums shall be raised levied and paid together with and in the same manner as the necessary and contingent charges of such county are raised levied and paid and that the said commissioners shall account with the auditor of this State for the monies they shall respectively receive from the treasurer of this State by virtue of this act on or before the first day of January one thousand seven hundred and ninety six.

Compensation
of
commissioners.

CHAP. 30.

AN ACT for auditing the accounts of town officers.

PASSED the 22d of March, 1794.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the supervisors of the several counties within this State, to audit the accounts of the town officers of their respective towns, which accounts so to be audited, shall be collected and paid in like manner as the monies for the contingent charges of the towns respectively are directed by law to be collected and paid.

Audit of
accounts
of town
officers.

CHAP. 31.

AN ACT for the relief of Ebenezer Allen.

PASSED the 24th of March, 1794.

WHEREAS the estate of Simeon Covell late of the county of Albany is become forfeited to and vested in the people of the State of New York; *and whereas* it is represented to the legislature that the said Simeon Covell at the time his estate became forfeited as aforesaid, was indebted to

Preamble.

Ebenezer Allen, and that in order to satisfy the same, together with the further sum of nine pounds paid by the said Ebenezer Allen for the said Simeon Covell, he the said Simeon Covell delivered to the said Ebenezer Allen two bonds and one bill or promissory note, made and executed by one Charles Deake, by the name of Charles Dake, to the said Simeon Covell, but the said Ebenezer Allen cannot recover the money due thereon on account of the forfeiture aforesaid. Therefore

Release to
Ebenezer
Allen.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the right title and interest of the people of this State, of, in and to, the said bonds and bill or promissory note, and the monies due and to grow due thereon, shall be and hereby is granted to the said Ebenezer Allen his executors and administrators with power to recover and receive the monies due, and to grow due on the said bonds bill or note and each and every of them and to apply the same to the payment of the said debt so due to him the said Ebenezer Allen from the said Simeon Covell, and to bring or maintain any suit or suits in his own name for the recovery thereof in law or equity in which suits it shall be sufficient for the said Ebenezer Allen to declare generally, that the said Charles Deake is indebted to him the said Ebenezer Allen in the sum demanded, without setting forth the special matter and to give this act in evidence.

CHAP. 32.

AN ACT for raising a further sum of money for completing the court house and gaol in the county of Rensselaer.

PASSED the 25th of March, 1794.

Preamble. WHEREAS Cornelius Lansingh, Jacob C. Schermerhorn, Abraham Ten Eyck Mahlon Taylor and Jacob D. Vanderheyden in and by an act entitled An act for building a court house and gaol in the county of Rensselaer, passed the eleventh day of January one thousand seven hundred and ninety three were appointed commissioners for the purpose of building and erecting a court house and gaol in the said county.

And whereas the said commissioners have by their petition represented to the legislature that they have erected a court house and that there is not money sufficient for building a gaol.

And whereas the major part of the supervisors of the said county of Rensselaer have presented their petition to the legislature praying that a further sum may be raised for building a gaol in the said county. Therefore

Supervisors to levy tax.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the supervisors of the several towns in the said county of Rensselaer for the time being or a major part of them shall and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county the sum of eight hundred pounds for the purpose of building a gaol in the said county with the additional sum of one shilling in the pound for collecting the same which said sum shall be raised levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected.

Apportionment of tax.

And be it further enacted That the supervisors of the county aforesaid shall at their meeting on the last Tuesday in May next quota the said sum of eight hundred pounds together with the said sum of one shilling

in the pound for collecting the same among the several towns in said county.

And be it further enacted That five hundred pounds of the said sum of eight hundred pounds shall be collected and paid into the treasury of the said county on or before the first day of October next and the remaining three hundred pounds shall be collected and paid into the said treasury on or before the first day of October in the year one thousand seven hundred and ninety five. When tax to be paid.

And be it further enacted That it shall and may be lawful to and for the treasurer of the said county to retain in his hands the sum of three pence in the pound for his trouble in receiving and paying out the money to be raised and paid by virtue of this act. Fees of treasurer.

And be it further enacted That the said Cornelius Lansingh, Jacob C. Schermerhorn Abraham Ten Eyck Mahlon Taylor and Jacob D. Vanderheyden together with John Van Rensselaer James Dole Ephraim Morgan and Benjamin Gorton shall be the commissioners to superintend the building of the said gaol and that the said commissioners or the major part of them shall and may contract with workmen and purchase materials for the erecting the same and shall from time to time draw upon the treasurer of the said county for the money for the purpose aforesaid, that shall come into the treasury by virtue of this act and it is hereby made the duty of the said commissioners to account with the supervisors of the said county for the money which they shall have so received, when they shall be thereunto required. Commissioners of construction.

And be it further enacted That whenever the said commissioners or a majority of them shall certify under their hands to the sheriff of the said county that the said gaol is erected and compleated so as to be sufficient for the reception of prisoners that it shall and may be lawful for the said sheriff to remove all prisoners whether confined by process directed to the sheriff of Rensselaer or by any court of justice in the same county, from the gaol of the city and county of Albany to the said gaol so erected in the town of Troy in the said county of Rensselaer and there keep them and each of them in safe custody until they are respectively discharged by due course of law. Removal of prisoners.

And be it further enacted That the sheriff of the county of Rensselaer shall not be liable to any action or actions of escape or other action at law for removal of the said prisoners or either of them and if any bill plaint suit or information shall be commenced or prosecuted against the said sheriff for removing the said prisoners or either of them in pursuance of this act it shall be lawful for such sheriff to plead the general issue and give this act and the special matter in evidence and if the plaintiff or prosecutor in any such action, bill plaint, suit or information shall become nonsuit or discontinue to or cease to prosecute the same or if a verdict or judgment be given against him or her, the defendant shall recover double costs for which he shall have like remedy as in other cases where costs are given by law to the defendant. Actions for escape.

And be it further enacted That in case any prisoner or prisoners shall escape from the custody of the sheriff of the said county of Rensselaer during the time of his or her removal and the sheriff shall not retake such prisoner or prisoners and confine him her or them in the gaol to which he she or they ought to have been removed by virtue of this act within sixty days next after such escape made the said sheriff shall be liable to all actions for such escape or escapes. Id.

And be it further enacted That the gaol of the city and county of Albany shall not after the removal of the prisoners as aforesaid be deemed the gaol of the county of Rensselaer. Rensselaer jail.

CHAP. 33.

AN ACT for the relief of John Vanderbilt.

PASSED the 25th of March, 1794.

Preamble. WHEREAS John Vanderbilt hath by his petition presented to the legislature, stated, that he has a claim on bond against Beverly Robison, whose estate was forfeited to the people of this State and prays a settlement thereof. Therefore

Appropriation for John Vanderbilt. *Be it enacted by the People of the State of New York, represented in Senate and Assembly and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the treasurer of this State to pay unto John Vanderbilt, such sum as may be certified by the chancellor or one of the judges of the supreme court of this State, to be due to the said John Vanderbilt on the claim arising on the said bond, to be produced to the said chancellor or judge, out of any monies in the treasury not otherwise appropriated. *Provided*, the monies so certified to be due against the said Beverly Robison do not exceed the sum in the treasury, arising from the sale of the estate of the said Beverly Robison, any law to the contrary notwithstanding. *And provided also*, that the debt on which such claim was, accrued before the ninth day of July one thousand seven hundred and seventy six. *And provided further* that the said John Vanderbilt shall deliver to the treasurer the said bond with a sufficient discharge indorsed thereon, and shall, on receiving the monies aforesaid, give security to the people of the State and deliver the same to the said treasurer to refund the said money or such part thereof as may be necessary to discharge any incumbrance which may hereafter appear on the said estate by claim or dower or otherwise.

CHAP. 34.

AN ACT relative to the new loan officers of the county of Tioga.

PASSED the 25th of March, 1794.

Preamble. WHEREAS by an act passed during the last session of the legislature it is enacted that the courts of common pleas and general sessions of the peace in and for the county of Tioga, shall be held alternately in the town of Union and in the town of Newtown.

And whereas doubts have arisen whether the new loan officers of the said county are authorized to hold their offices alternately at the places where the said courts are now held. Therefore

Loan officers, Tioga county, where to meet. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful to and for the new loan officers of the county of Tioga and they are hereby required to hold the new loan office for the county of Tioga in the said towns of Union and Newtown alternately at or near the places of holding the said courts. And that the next meeting of the said new loan officers shall be held in the town of Union as aforesaid.

CHAP. 35.

AN ACT further to amend the act entitled "An act for the partition of lands.

PASSED the 25th of March, 1794.

WHEREAS by the fifteenth section of the act entitled "An act for the partition of lands" it is amongst other things enacted "That where any lands tenements or hereditaments shall be held in common it shall and may be lawful for the court of common pleas in the county where such lands shall be upon the application of one or more of the owners or proprietors of such lands tenements and hereditaments for partition thereof it being proved to the satisfaction of the court that the value of the said lands tenements and hereditaments do not exceed five thousand pounds to appoint three reputable freeholders of the county commissioners for that purpose" and also "That where any houses and lots are so circumstanced that a division thereof cannot be made without great prejudice to the owners or proprietors of the same and the commissioners appointed to make partition of the same shall so report to the court if it shall then appear to the court that such houses and lots do not exceed in value the sum of three thousand pounds the court shall thereupon give orders to the said commissioners to sell such house and lot or houses and lots of land at public vendue and shall make and execute good and sufficient conveyances to the purchaser or purchasers thereof which shall operate as an effectual bar both in law and equity against such owners proprietors and all persons claiming under them and the monies arising therefrom to pay to the owners or proprietors of such houses and lots of land their guardians or legal representatives as shall be directed in the said order retaining in their hands for their services and expences such sum as shall be allowed by the court.

And whereas inconveniences have been experienced in the city of New-York and may be experienced in the city of Albany by reason that the partition intended by the said section is limited to lands tenements and hereditaments not exceeding five thousand pounds in value and also by reason that the sale intended by the said section is limited to houses and lots not exceeding three thousand pounds in value for remedy whereof—

Be it enacted by the People of the State of New-York represented in Senate and Assembly That the partition intended by the said fifteenth section of the said act entitled "An act for the partition of lands" shall hereafter be deemed and construed to extend and apply to lands tenements and hereditaments in the city of New-York and in the city of Albany exceeding five thousand pounds in value and that the sale intended by the same section of the same act shall hereafter be deemed and construed to extend and apply to houses and lots in the city of New-York and in the city of Albany exceeding three thousand pounds in value any thing in the said section or in the said act to the contrary thereof in any wise notwithstanding.

Section of
act to
apply to
Albany and
New York
cities.

CHAP. 36.

AN ACT to appoint trustees to take and hold certain lands therein mentioned and for other purposes.

PASSED the 25th of March, 1794.

Trustees of
common
lands of
Waterford.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Hezekiah Ketcham, Jacobus Van Schoonhoven, Matthew Gregory, Isaac Keeler, John Pettit, Duncan Oliphant and Thomas Smith shall be and they are hereby declared to be the first trustees for the freeholders and inhabitants of that part of the town of Half Moon commonly called Waterford, and residing within the limits following, to wit, beginning at a point of land commonly called Half Moon point which is formed by the junction of the northernmost branch of the Mohawk river with Hudsons river, and runs thence up and along the waters of Hudsons river to the northeast corner of the lands lately belonging to Hendrick Vanderwerken deceased, thence westerly along the north bounds of the land aforesaid to lands belonging to Barent Ten Eyck and others, thence along the same to the south side of Ballstown street, thence with the same line continued to the northernmost branch of the Mohawk river aforesaid, thence down the waters of the said river to the place of beginning; and shall continue to be trustees as aforesaid until the second Tuesday in May next, and until others shall be chosen in their place. And that it shall and may be lawful to and for the freeholders and inhabitants for the time being, residing in Waterford aforesaid and qualified by law to vote at town meetings, to assemble on the second Tuesday of May next, and annually on the second Tuesday of May in every year thereafter at such place, and at such time of the day as the trustees for the time being or the major part of them shall by public advertisement appoint and under the direction of the said trustees, or such of them as shall be present who are hereby made inspectors of such election, then and there by a majority of voices, to elect seven discreet inhabitants being freeholders to be trustees as aforesaid, who shall continue in office until the second Tuesday in the month of May, in the next ensuing year, and until others shall be chosen in their place.

Trustees
may take
grants of
lands.

And be it further enacted, by the authority aforesaid, That the said trustees hereby appointed and their successors, are hereby enabled to take a grant or grants, feoffment or feoffments of any lands and tenements, lying and being within the limits of Waterford aforesaid as herein described, and to hold the same to them and their successors for ever in trust to and for the common use and benefit of the freeholders and inhabitants aforesaid.

Rules for
improvement
and manage-
ment of
lands and
for repairs
of streets.

And be it further enacted by the authority aforesaid, That the said freeholders and inhabitants at their annual meetings to be held as aforesaid, and at such other times in the year as the said trustees, or a majority of them may think necessary to advertise for the purpose, shall be and they are hereby authorised and empowered from time to time, to make, ordain constitute and establish such prudential rules, orders and regulations, as a majority of such freeholders and inhabitants so assembled and having a right to vote, shall judge necessary and convenient for the better improving of their common lands, and for ascertaining and directing the use and management thereof, and also to ordain and

establish such prudential rules and orders relative to the cleansing and keeping in order and repair the common streets and highways in Waterford aforesaid and removing nuisances therefrom; and also to make and ordain rules and regulations proper to compel the housekeepers in Waterford aforesaid to furnish themselves with a sufficient number of fire buckets, and with necessary tools and implements for extinguishing of fires, and to impose such penalties on the offenders against such rules, orders and regulations or any or either of them as the majority of such freeholders and inhabitants so assembled, shall from time to time deem proper, not exceeding forty shillings for any one offence, to be recovered by the said trustees for the time being, in their own names with costs of suit for the use of the said freeholders and inhabitants by action of debt before any justice of the peace residing in the said county of Saratoga.

And be it further enacted, by the authority aforesaid, That the said trustees hereby appointed, and their successors shall and may from time to time constitute and appoint one fit person to be a common clerk for the said freeholders and inhabitants, whose duty it shall be to record all rules orders and regulations made by the said freeholders and inhabitants at their meetings as aforesaid, in a proper book to be by him provided for such purposes, and also to do and perform all such matters and things as the said trustees or a majority of them shall lawfully, from time to time by writing under their hands direct and appoint.

Clerk,
duties of.

And be it further enacted, by the authority aforesaid, That it shall and may be lawful to and for the said trustees or the major part of them, and they are hereby required with all convenient speed, to elect, nominate and appoint a sufficient number of men willing to accept, not exceeding fifteen in number, out of the inhabitants residing in Waterford aforesaid, to have the care management, working and use of the fire engine or engines belonging or which may belong to the said freeholders and inhabitants, and also the tools and instruments for extinguishing fires; and the said trustees or the major part of them are hereby authorised and empowered to remove or displace all or any of the firemen so as aforesaid to be elected nominated and appointed, when and as often as they shall think fit, and others in their stead to elect nominate and appoint, and also to make establish and ordain such rules orders and regulations for the government conduct duty and behaviour of such firemen as to them shall appear necessary and proper.

Firemen,
designa-
tion of.

And be it further enacted, by the authority aforesaid, That Jacob D. Vanderheyden, Benjamin Covil, Anthony Goodspeed, John Pease, Ephraim Morgan, Christopher Hurton and Samuel Gale, shall be and they are hereby declared to be the first trustees for the freeholders and inhabitants of that part of the town of Troy in the county of Rensselaer residing within the limits following vizt. beginning on the north side of a certain creek called Poesten creek where there were formerly a saw mill fifty eight chains from Hudsons river, and runs from thence down along the said creek to the said river, thence up along the said river to a small creek called the Meadow creek, thence along the said creek into the woods, south seventy degrees easterly forty chains, thence south twenty three degrees and thirty minutes westerly, along the west side of the land of the late Albert Bratt one hundred and six chains to the place of beginning. The above courses to be run as the magnetic needle pointed in the year one thousand seven hundred and twenty. And shall continue to be trustees as aforesaid, until the first Tuesday in May next, and until others shall be chosen in their place, and it shall and may be lawful to and for the freeholders and inhabitants for the time being, residing within the village of Troy, within the boundaries aforesaid, and qualified by law to

First
trustees of
Troy.

Election of
trustees.

vote at town meetings, to assemble on the second Tuesday of May next, and annually on the second Tuesday of May thereafter, at such place, and at such time of the day, as the trustees for the time being, or the major part of them, shall by public advertisement appoint, and under the direction of the said trustees or such of them as shall be present, who are hereby made inspectors of such election, then and there by a majority of voices to elect seven inhabitants being freeholders to be trustees as aforesaid, who shall continue in office until the second Tuesday of May in the next ensuing year and until others shall be chosen in their place.

Trustees
of Troy,
powers and
duties of.

And be it further enacted, by the authority aforesaid, That the inhabitants residing within the said last mentioned boundaries, and the said trustees last abovementioned and their successors, shall and they are hereby fully vested with all and singular the powers and authorities, to all intents constructions and purposes with respect to the village of Troy as is or are intended to be given by this act to the inhabitants and trustees of Waterford.

CHAP. 37.

AN ACT to repeal part of the act entitled, "An act to encourage the raising of sheep and to prevent injury by dogs" passed the 13th day of February 1789.

PASSED the 25th of March, 1794.

Part of act
repealed.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the first second third fourth fifth sixth and seventh sections of the act entitled An act to encourage the raising of sheep and to prevent injury by dogs" be and the same are hereby repealed.

Provided nevertheless That all monies due and collected by virtue of the abovementioned act shall be disposed of in manner and form as therein directed.

CHAP. 38.

AN ACT for building a court house and gaol in the county of Saratoga.

PASSED the 26th of March, 1794.

Tax levy in
Saratoga
county for
court-
house and
jail.

Be it enacted, by the People of the State of New York, represented in Senate and Assembly, That the supervisors of the several towns in the county of Saratoga for the time being or the major part of them shall be and they are hereby authorized and required to direct to be raised and levied on the freeholders and inhabitants of the said county the sum of fifteen hundred pounds for the purpose of building a court house and gaol in the said county with the additional sum of nine pence in the pound for collecting the same which sum shall be raised levied and collected in the same manner as the other necessary and contingent charges of the said county are levied and collected.

Meeting of
supervisors

And be it further enacted, That the supervisors of the county aforesaid, shall at their meeting on the last Tuesday of May next, quota the

said sum of fifteen hundred pounds together with the said sum of nine pence in the pound for collecting the same among the several towns in the said county.

And be it further enacted That the said sum of fifteen hundred pounds shall be paid into the treasury of the said county on or before the first day of February next. When tax to be paid.

And be it further enacted That it shall and may be lawful for the treasurer to retain in his hands the sum of three pence in the pound for his trouble in receiving and paying out the money to be raised by virtue of this act. Fees of treasurer.

And be it further enacted That the court house and gaol so to be built shall be erected and built in the town of Ballstown in the said county. Where to be built.

And be it further enacted That the said court house and gaol so to be built shall be erected and built within thirty rods of the dwelling house of Levi Benedict in the said town of Ballstown in the said county. Id.

And be it further enacted That John Bradstreet Schuyley Richard Davis junr. John Ball John McClelland and James Emmot shall be commissioners to superintend the building the said court house and gaol and that the said commissioners or a major part of them shall and may contract with workmen and purchase materials for erecting the same and shall from time to time draw upon the treasurer of the said county for the purposes aforesaid for the money that shall be paid into the treasury by virtue of this act. And the said treasurer is hereby required to pay to the order of the said commissioners or the major part of them the several sums of money to be by them drawn for, for the aforesaid purpose and it is hereby made the duty of the said commissioners to account with supervisors of the said county for the money which they shall have received by virtue of this act when they shall be thereunto required. Commissioners to erect.

And be it further enacted That the said commissioners or a major part of them are hereby authorized and required to determine and fix upon the most suitable spot or place for erecting and building the said court house and gaol within thirty rods of the dwelling house of the aforesaid Levi Benedict. Selection of site.

And be it further enacted That the said commissioners or a majority of them are hereby authorized and required to procure a good and sufficient title of conveyance for a quantity of land within the limits abovementioned not exceeding one acre of land which deed shall be taken in the name of the supervisors of the said county and their successors in office for ever in trust for the sole use and benefit of the inhabitants of the said county which deed or conveyance shall be lodged in the office of the clerk of the said county. Conveyance to supervisors.

CHAP. 39.

AN ACT for the relief of John Swaney.

PASSED the 26th of March, 1794.

WHEREAS John Swaney a transient person whilst employed on the canal and locks constructing in this State, received such injury as has deprived him of the use of one of his hands, and rendered him nearly blind. *And whereas* he hath not gained any lawful residence in any city or town within this State, and cannot therefore be supported as Preamble.

other paupers are by law directed to be supported; and as he is evidently incapable of procuring subsistence by manual labour, it is proper that legislative provision should be made in the premises. Therefore

John
Swaney,
care cl.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the overseers of the poor of the city of Albany for the time being, be and they are hereby required, annually to procure lodging cloathing and subsistence for the said John Swaney, in like manner as lodging cloathing and subsistence shall from time to time be provided by them for the paupers of the said city, and shall annually deliver an account of the expence which has been incurred, attested to by one or more of them the said overseers, to the supervisors of the said city, who shall certify the same to the treasurer of this State who shall thereupon pay unto the treasurer of the city and county of Albany for the time being, or to his order, the amount of such account, to be by him paid to the overseers of the poor aforesaid, and for the purposes aforesaid. *Provided always,* that the treasurer of this State shall not in any year pay a greater sum than fifty dollars. *And provided also,* that every such certificate shall be accompanied with an affidavit from one or more of the said overseers, that the inability of the sd. John Swaney has continued during the term in the said account specified.

Treasurer
to pay
money's.

And be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer of this State immediately after the passing of this act, to pay unto the treasurer of the city and county of Albany or his order, the sum of twenty five dollars in part payment of the annual allowance aforesaid.

CHAP. 40.

AN ACT for the relief of Caleb Newman and Daniel Owen.

PASSED the 26th of March, 1794.

Preamble. WHEREAS Caleb Newman late of Salen in the county of West Chester, was entitled to receive from the treasurer of this State for military services during the late war the sum of thirty four pounds nine shillings and eight pence. *And whereas* the treasurer has paid the said sum of money to a certain Peter Smith who produced to him a power or attorney acknowledged in such manner as the law directs by a person who personated the said Caleb Newman, therefore,

Appropriation
for
Caleb
Newman.

Be it enacted by the people of the State of New-York, represented in Senate and Assembly, That the treasurer of this State shall and he is hereby directed to pay to the said Caleb Newman the said sum of thirty four pounds nine shillings and eight pence out of any money in the treasury not otherwise appropriated—

And whereas a certificate for forty eight pounds being for the pay of Daniel Owen who was a sergeant in the first regiment of foot of this State in the late war has been obtained from the treasury of this State by one James Reynolds in virtue of a power of attorney executed in the county of Dutchess by some person who personated the said Daniel Owen; therefore,

Appropriation
for
Daniel
Owen.

Be it further enacted That the treasurer of this State shall be and hereby is required to pay to the said Daniel Owen the said sum of forty eight pounds with interest for the same at the rate of six per cent from the date of the said certificate out of any money in the treasury not otherwise appropriated.

CHAP. 41.

AN ACT authorizing the erection of fortifications within this State.

PASSED the 26th of March, 1794.

WHEREAS the monies that may be appropriated by the Congress of the United States for the purpose of repairing or erecting fortifications at or near the city and port of New York may not be sufficient to put the said city and port in a proper state of defence and in confidence that if fortifications shall be erected in any other State or States at the expence of the United States that payment will be made to this State proportionate to its exertions in that behalf. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That a sum or sums of money not exceeding in the whole the sum of thirty thousand pounds shall be appropriated out of any monies which now are or may come into the treasury for the purpose of repairing and erecting fortifications at or near the city and port of New York and the treasurer is hereby required to pay the said sum or sums of money upon warrant of the person administering the government of this State.

Appropriation for fortifications.

And be it further enacted That George Clinton, Matthew Clarkson, James Watson, Richard Varick, Nicholas Fish, Ebenezer Stevens, and Abijah Hammond shall be commissioners with full power to repair and erect such fortifications in the said city or its vicinity as they or a majority of them shall deem requisite and essential for the security of the said city and its port, and for that purpose they are hereby authorized to purchase and collect all such materials as they shall deem necessary for repairing and erecting the same and to the intent that they may be enabled to defray the expence of artificers, labourers and others employed in the said business, and to make payment for purchases to be by them made the person administering the government of this State for the time being shall upon application made to him in writing by the said commissioners or a majority of them grant his warrant requiring the treasurer of this State to pay the sum or sums of money mentioned in such warrant. *Provided* that the whole amount of the monies so from time to time to be drawn from the treasury shall not exceed the aforesaid sum of thirty thousand pounds.

Commissioners to erect.

And be it further enacted That the said commissioners or a majority of them shall be and hereby are directed to apply to the president of the United States for such cannon and ammunition as in their opinion shall be necessary for the defence of the port and harbour of New York, and in case the same shall not be obtained then the said commissioners are hereby authorized and empowered to purchase or procure the same in such manner as they may think proper. And the treasurer of this State, is hereby authorized and directed to pay to the order of the said commissioners upon a warrant to be issued by the person administering the government of this State such further sums of money as may be necessary for the purpose not exceeding in the whole the sum of ten thousand pounds.

Cannon to be procured.

And be it further enacted That it shall be lawful for the said commissioners to enter into and upon all and singular the land or land covered with water where they shall deem it proper to erect the said fortifications and to lay out and survey such lands and having made such sur-

Condemnation of lands and awarding of damages.

vey or surveys, to contract and agree with the owners of such land or lands for so much of the same and for any houses or other tenements thereon being, as shall be requisite for such fortifications and to purchase the same in the name and behalf of the people of this State, but if they cannot agree with the owners thereof respectively or in case the owner or owners thereof shall be under age non compis mentis, or out of the State then it shall be lawful for the said commissioners to apply to the chancellor of this State who upon such application, is hereby required to issue a writt or writts in the nature of a writt of ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be commanding him that by the oaths of twelve good and lawful men of his bailwick he shall enquire whether the person or persons owning any of the lands and tenements so to be applied to such fortifications or which shall be injured thereby (which person or persons shall be named and which lands and tenements shall be described in such writt or writts) will suffer and sustain any and what damages by reason of taking such lands and tenements for the said fortifications or for any of them or for the works thereunto belonging and to return the same writ together with the finding of the said jury to the court of chancery of this State without delay and upon such writt being delivered to such sheriff, he shall give at least fourteen days notice in writing directed to all and every of the said owners and occupants and deliver the same to such of them as shall be within his bailwick, and whom he shall be able to discover and shall also affix a copy of such notice on the door of the court house within his bailwick and on the door of any house of public worship nearest to the premises mentioning in such notice the lands and tenements in the said writt described and the time of executing the same and shall cause to come upon or within the premises at the time appointed twelve good and lawful men of his bailwick as aforesaid and who shall be selected in such manner as struck juries are usually selected to whom he shall administer an oath that they will diligently enquire concerning the matters and things in the said writt specified and a true verdict give according to the best of their skill and judgment without favor or partiality and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements in such writt specified and having considered the quantity of land and land covered with water with the buildings and other improvements that shall be necessary to be vested in the people of this State for the purposes aforesaid they shall cause the same to be minutely and exactly described by metes and bounds or other particular descriptions and shall value and appraise the lands and tenements and the injury or damages which the owner or owners of the said lands buildings and improvements will according to their best skill and judgment, sustain and suffer by means of so much of the said lands buildings and improvements being vested in the people of this State or by means of such buildings and improvements being destroyed or rendered useless or of less value or by any other means whatsoever defining and ascertaining as well all such lands buildings and improvements so to be vested as aforesaid as the several sums at which the said injuries and damages shall be so assessed and the said sheriff and jury shall make an inquisition under their hands and seals distinctly and plainly setting forth all the matters and things aforesaid and the sheriff shall forthwith return the same together with the said writt to the said court of chancery and thereupon the chancellor shall examine the same and if the writt shall appear to have been duly executed and the return thereof in his judgment sufficiently certain to ascertain the lands buildings and

improvements intended to be vested as aforesaid and the several compensations awarded to the owner or owners thereof, then the said chancellor shall enter judgment that the people of this State (the said commissioners first paying to the several owner or owners as aforesaid the several sums of money in the said inquisition assessed or bringing the same into the said court over and besides the costs of such writts and of executing and returning the same) shall be entitled to have and to hold all and every the lands buildings and improvements, together with the rights and appurtenances thereunto appertaining and in the said inquisition described as fully and effectually as if the same had been granted by the respective owners thereof, and if any of the returns so to be made shall not be sufficiently certain for the purposes aforesaid the chancellor shall specify the defect or defects and shall direct a new inquisition to be taken to supply such defect or defects.

And be it further enacted, That in case of the death or refusal to act, or removal out of the State of any one or more of the said commissioners the vacancy or vacancies shall be supplied by the council of appointment in like manner as civil and military officers are appointed by the said council, and that the majority of the said commissioners appointed or to be appointed by virtue of this act, shall be requisite to every act and deed to be by them performed in virtue of this act. Vacancies,
how filled.

And be it further enacted, That the said commissioners or a major part of them may appropriate such part of the monies granted for the purposes herein mentioned to the building and equipping of one or more floating batteries as to them shall appear most conducive to the security of the port aforesaid. Floating
batteries.

And be it further enacted That Baron Frederick William de Steuben Peter Gansevoort junr. William North, Stephen Van Rensselaer John Taylor John Vernor and Daniel Hale shall be commissioners for the purpose of erecting such fortifications building and equipping one or more floating batteries or other vessels of force as to them or a major part of them shall appear necessary to the security of the western and northern frontiers of this State and that a sum or sums of money not exceeding twelve thousand pounds be appropriated to the purposes aforesaid, and that it shall and may be lawful for the treasurer on the warrant of the person administering the government of this State to pay to the said commissioners or a major part of them the sum or sums of money not exceeding in the whole the sum of twelve thousand pounds. Fortifica-
tions on
western
and north-
ern fron-
tiers.

Provided however That no warrant for monies to be appropriated as last aforesaid shall issue untill in the opinion of the person administering the government of this State, the frontiers aforesaid shall be in danger of invasion, and that the money so to be issued can be expended to advantage for the purposes herein contemplated.

CHAP. 42.

AN ACT for the relief of Paul Hochstrasser and others.

PASSED the 27th of March, 1794.

WHEREAS it hath been represented that Paul Hochstrasser, John James Abbet and John Tillman having expended large sums of money in erecting a building for the reformed German congregation in the city

Preamble.

of Albany, with sundry appurtenances which sums were never reimbursed by the said congregation through the means of their inability.

And whereas it has also been further represented that the said congregation is dispersed, and the buildings become useless.

Trustees to
sell prop-
erty of
Reformed
German
church,
Albany.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That Abraham Hunn Teunis Ts. Van Vechten and John C. Cuyler be and hereby are appointed trustees for the purpose of selling the aforesaid building, with the appurtenances exclusive of the right of soil and out of the monies therefrom arising to settle with all such persons who may have any demands against the same and should the monies therefrom arising not be competent to satisfy the said claims, they shall be and hereby are authorized to pay each claimant a just proportion of the monies arising from the sale of the said premises according to his, her or their respective demands.

CHAP. 43.

AN ACT for granting a certain glebe to the united churches of St. Peters and St. Philips.

PASSED the 27th of March, 1794.

Preamble. WHEREAS the commissioners of forfeitures, were by law inhibited from selling the parsonage and glebe near the continental village, formerly in the possession of Ebenezer Jones. *And whereas*, the said glebe was vested in the people of this State by the attainder of Beverly Robinson late of the county of Dutchess, who in his life time, promised to convey the same, to the use of the rector, wardens, and vestrymen of the United Episcopal congregations of St. Peters church, now in the town of Cortlandt in the county of Westchester, and St. Philips chapel, in Philips-town in the county of Dutchess. Therefore

Release to
churches
named.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the right title and interest, of the people of this State, of, in and to the said glebe, shall be, and hereby is, granted to the trustees of the United Protestant Episcopal churches of St. Peters church in the town of Courtlandt in the county of Westchester, and St. Philips chapel, in Philips Town, in the county of Dutchess and their successors forever, in trust, for the use of the said united congregations.

CHAP. 44.

AN ACT to amend the act entitled "An act for registering deeds and conveyances relating to the military bounty lands.

PASSED the 27th of March, 1794.

Preamble. WHEREAS by the act entitled "An act for registering deeds and conveyances relating to the military bounty lands" which became a law on the eighth day of January last, it is enacted, that all deeds and conveyances theretofore made and executed, or pretended so to be, of or concerning, or whereby any of the said lands may be any way affected in

law or equity, shall on or before the first day of May, one thousand seven hundred and ninety four, be delivered to and deposited with the clerk of the city and county of Albany for the time being; and the said clerk shall on or before the first day of June which will be in the year of our Lord one thousand seven hundred and ninety four, deliver all the said deeds and conveyances so deposited in his office, to the clerk of the county of Herkemer for the time being, there to remain for the benefit of all persons interested therein; *and whereas* the said lands have been since erected into a separate county by the name of Onondaga; *and whereas* the time limited for depositing the said deeds and conveyances is too short. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the time limited in and by the said act for delivering the said deeds and conveyances to the clerk of the city and county of Albany for the time being, and depositing the same with him, shall be and hereby is prolonged until the first day of May, which will be in the year of our Lord one thousand seven hundred and ninety five. And that the clerk of the said city and county of Albany for the time being, shall on or before the first day of June which will be in the said year of our Lord one thousand seven hundred and ninety five, deliver all the said deeds and conveyances which have been, or shall be so deposited in his office, to the clerk of the county of Onondaga for the time being, there to remain for the benefit of all persons interested therein, any thing in the said act to the contrary notwithstanding.

Time limited for depositing conveyances with Albany county clerk limited.

And be it further enacted by the authority aforesaid, That the clerk of the county of Herkemer for the time being, shall upon demand, deliver to the clerk of the county of Onondaga for the time being, all the books in which he shall have recorded since the eighth day of January last in conformity to the said act any deed or deeds, conveyance or conveyances, of or concerning, or whereby any of the said lands may be any way affected in law or equity, together with all deeds and conveyances of or concerning the same lands then in his possession, taking a receipt for the same; and that thereupon the operation of the said act as to the said clerk of the said county of Herkemer shall cease; and that the said clerk of the county of Onondaga for the time being, shall thereafter do execute and perform all and every the duties and services required by the said act to be done executed or performed by the clerk of the county of Herkemer for the time being, and in the same manner and form and shall be entitled to the like rewards, and subject to the like penalties, as such clerk of the said county of Herkemer is entitled and subject to by the said act; and every thing to be done in the premises by the clerk of the county of Onondaga for the time being, shall be of the same validity and effect as if done by the clerk of the county of Herkemer, before the passing of this act, any thing herein contained to the contrary notwithstanding.

Herkimer and Onondaga counties, records of.

CHAP. 45.

AN ACT for the relief of James Wallace.

PASSED the 27th of March, 1794.

WHEREAS it appears that James Wallace on the eleventh day of November one thousand seven hundred and eighty four paid into the Preamble.

treasury of this State ninety one pounds and six pence in discharge of a certain bond executed by the said James Wallace to Tertullus Dickinson on the presumption that the estate of the said Tertullus Dickinson had been confiscated to the people of this State. *And whereas* the estate of the said Tertullus Dickinson was not so confiscated, and the said James Wallace has since been obliged to satisfy the said Tertullus Dickinson the monies due on the said bond. Therefore

Appropriation to James Wallace.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer of this State be and he is hereby directed to pay to the said James Wallace his executors and administrators the said sum of ninety one pounds and six pence together with interest for the same at the rate of six per centum per annum from the said eleventh day of November one thousand seven hundred and eighty four until the passing of this act.

CHAP. 46.

AN ACT for the relief of the heirs and devisees of Henry Ludlow deceased.

PASSED the 27th of March, 1794.

Preamble.

WHEREAS Henry Ludlow late of the city of New York, but then residing in the district of Clavarrack in the county of Albany, on or about the eighth day of January in the year of our Lord one thousand seven hundred and eighty, made his last will and testament in due form of law, and did thereby will, order and direct, that all his estate both real and personal be sold and disposed of, by his executors therein named within some reasonable time after his decease; and he did thereby empower his said executors or the survivors of them, to give good and sufficient deed and conveyances for his real estate, either intire or in parcels, as to them shall seem meet to the purchasor or purchasors thereof. And did thereby nominate and appoint his sons Gabriel Henry Ludlow, William Henry Ludlow and his son in law Richard Morris esquire and Charles Shaw executors of his said last will and testament. *And whereas* the said Gabriel Henry Ludlow after the death of the said testator caused the said will to be duly proved, and took upon himself the execution thereof, but that neither of the other executors in the said will named, ever acted as executors or intermeddled with the execution of the said last will and testament. *And whereas* the said Gabriel Henry Ludlow and Charles Shaw are dead and the surviving executors named in the said will refuse to take upon themselves the execution thereof. *And whereas* Thomas Ludlow of the city of New York merchant one of the sons of the said testator, together with said surviving executors, have, by petition to the legislature prayed, that he, the said Thomas Ludlow may be fully authorized by an act of the legislature to sell and dispose of the real estate of the said Henry Ludlow deceased in the manner and for the purposes in the said will mentioned. Therefore

Thomas Ludlow vested with certain powers in settling estate of Henry Ludlow, deceased.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That in case the surviving executors of the said last will and testament of the said Henry Ludlow deceased shall renounce and refuse to take upon themselves the execution of the said last will and testament; and administration of the goods chattels and credits which were of the said Henry Ludlow deceased, not administered by the said Gabriel Henry

Ludlow with a copy of the said will of the said Henry Ludlow deceased annexed, be committed to the said Thomas Ludlow, then and from henceforth it shall and may be lawful for the said Thomas Ludlow, to sell and dispose of all the real estate, then remaining unsold whereof the said Henry Ludlow died seised, in the manner and for the purposes mentioned and directed in and by the said will, and to make, seal and deliver good and sufficient deeds and conveyances for conveying and assuring the same and all and every or any part thereof to the purchaser or purchasers thereof, and to his her and their heirs and assigns forever, which sale or sales deeds and conveyances shall be as good and effectual to all intents and purposes, as if the same had been made and executed by the executors of the said last will and testament according to the directions of the said will. *Provided always* that the said Thomas Ludlow, before he enters upon the execution of the trust hereby reposed in him, shall give bond with such security and in such manner as the chancellor of this State shall direct for the faithful performance of the said trust.

CHAP. 47.

AN ACT ratifying a certain article proposed by Congress as an amendment to the Constitution of the United States of America.

PASSED the 27th of March, 1794.

WHEREAS by the fifth article of the Constitution of the United States Preamble. of America it is provided that the Congress whenever two thirds of both houses shall deem it necessary shall propose amendments to the said Constitution which shall be valid to all intents and purposes as part of the said Constitution when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof as long as the one or other mode of ratification may be proposed by Congress. *And whereas* in the session of the Congress of the United States of America begun and held at the city of Philadelphia in the State of Pennsylvania on Monday the second of December one thousand seven hundred and ninety three, it was resolved by the senate and house of representatives of the United States of America in Congress assembled two thirds of both houses concurring that the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States which when ratified by three fourths of the said legislatures shall be valid as part of the said Constitution, vizt. The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State.

And whereas the legislature of this State have considered the said article and do agree to the same. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, Amendment ratified.
That the said article shall be and hereby is ratified by the legislature of this State.

CHAP. 48.**AN ACT concerning promissory notes.**

PASSED the 27th of March, 1794.

Promissory
notes ne-
gotiable
same as
inland bills
of ex-
change.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all notes in writing, made according to the act entitled "An act for giving relief on promissory notes" shall have the same effect as inland bills of exchange and shall be negotiated in like manner; and that every such note payable to any person or persons, body politic or corporate, his, her or their order shall be assignable or indorseable over in the same manner as inland bills of exchange are or may be according to the custom of merchants; and that the person or persons, body politic or corporate, to whom the money mentioned in such note is or shall be by such note made payable, shall and may maintain an action for the same in such manner as he, she or they might do upon any inland bill of exchange made or drawn according to the custom of merchants, against the person or persons body politic or corporate who, or whose factor or agent signed the same; and that any person or persons, body politic or corporate to whom any such note payable to any person or persons body politic or corporate his her or their order is or shall be indorsed or assigned, or the money therein mentioned ordered to be paid by indorsement thereon, shall and may maintain his her or their action for such sum of money either against the person or persons who, or whose factor or agent signed such note, or against any of the persons who indorsed the same in like manner as in cases of inland bills of exchange and not otherwise.

CHAP. 49.**AN ACT to enable certain persons therein named to purchase and hold real estate within this State.**

PASSED the 27th of March, 1794.

Persons
named
may hold
real estate
within
this State.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That it shall and may be lawful for Charles Moulton, John May, William Inman, Thomas Beal, William Worsey, Richard Moon, James Drowley, Joseph Smith, Richard Bradford, John Baptist Desdoity, Ferdinand Rosser, John James Caart, Thomas Harison, James Harison, Louis Ferdinand Le Villain, Andrew Bartholomew de Haussey, John Hastier, James Raymond, Simon Des Jardins, Pierre Pharoux, George Johnson, Jacob Bush, Michael Thomas Huysen, Seth Wayland, Levy Wayland, Francis Wayland, John Wareham, Richard Hilliard, William Allum, Job Wayland, David Smith, James Smith, John Buckler, Peter Smith, Anne Dowdill, Thomas Errington, John G. Hill, Joseph Meers, James Scarlett, Thomas Maurice, Anthelme Gay, Marie Catharine Haysser Chevalier, John Travis & John Stark Robinson, severally to take and hold by purchase, lands tenements and hereditaments within this State, respectively, to have and hold the same to them and to their respective heirs

and assigns for ever, as fully, to all intents and purposes as any natural born citizens may or can do any law usage or custom to the contrary notwithstanding.

And be it further enacted by the authority aforesaid That no lands tenements or hereditaments, heretofore purchased by any of the persons herein before named, shall escheat to the people of this State by reason or on account of such persons then being aliens, but all such lands tenements, and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary thereof notwithstanding. *Provided always* that no alienation of any lands purchased or to be purchased or held by virtue of this act shall be good and effectual in the law, other than to a citizen or citizens of the United States.

Lands not to escheat.

CHAP. 50.

AN ACT relative to the courts of common pleas in the counties of Columbia and Clinton.

PASSED the 27th of March, 1794.

WHEREAS the court of common pleas in and for the county of Columbia was not opened or held on the last Monday of October last by reason that a sufficient number of the judges and assistant justices of the same court did not attend to hold the said court whereby all process and proceedings in the same court are discontinued for remedy whereof

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly That all process and proceedings depending in the said court of common pleas on the last Monday of October last shall be and hereby are revived and continued until the last Monday in May next, and that all process issued out of the said court of common pleas of the said county and which were returnable on the said last Monday in October last shall be entered at the court to be held in the said county next after the passing of this act and that all persons who were bound by bail bonds to appear at the said court intended to have been held on the said last Monday in October, shall be held and bound to appear by virtue of such bail bonds respectively at the next court of common pleas to be held in the said county after the passing of this act.

Certain process, etc., in courts in Columbia county revived.

And be it further enacted, That instead of the last Monday in October in every year, one of the times now prescribed by law for holding the courts of common pleas and general sessions of the peace in the said county of Columbia the same shall be held on the second Monday in November in each and every year and may be held and continued until Saturday next following inclusive.

Term of court changed.

And whereas the courts of common pleas in and for the county of Clinton was not opened or held on the first Tuesday of October last by reason that a sufficient number of the judges and assistant justices of the same county did not attend to open and hold the said court whereby all process and proceedings in the same county are discontinued for remedy whereof

Be it further enacted That all process and proceedings depending in the said court of common pleas on the said first Tuesday of October last shall be and hereby are revived and continued unto the first Tuesday in May next, and that all process issued out of the said court of

Certain process, etc., in courts in Clinton

county re-
vived.

common pleas of the said county and which were returnable on the said first Tuesday in October last shall be entered at the court to be held in the said county next after the passing of this act, and that all persons who were bound by bail bonds to appear at the said court intended to have been held on the said first Tuesday in October shall be held and bound to appear by virtue of such bail bonds respectively at the next court of common pleas to be held in the said county after the passing of this act.

CHAP. 51.

AN ACT for the relief of John Hallock.

PASSED the 27th of March, 1794.

Preamble

WHEREAS it has been represented to the legislature that Lewis Palmer and Edmund Palmer late of the county of Westchester did on the nineteenth day of April in the year one thousand seven hundred and seventy six, jointly and severally execute a bond to John Hallock of the said county conditioned for the payment of one hundred pounds with lawful interest for the same from and after the first day of May then next ensuing, and that the said Edmund Palmer died insolvent whereby the said John Hallock hath received only a small proportion of the monies due on said bond and that the estate of the said Lewis Palmer hath been confiscated whereby the said John Hallock hath been prevented from obtaining a payment in full on the said bond for remedy whereof.

John Hal-
lock may
have his
claim
against
Lewis Pal-
mer au-
dited and
paid.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the said John Hallock to present a petition to the chancellor or one of the judges of the supreme court of judicature of this State stating his claim against the estate of the said Lewis Palmer, giving the attorney general of this State at least twenty days previous notice thereof and delivering to him a copy of such petition, with the said notice in order that he may attend in behalf of the people of this State and the counsellor or judge to whom such petition shall be addressed and presented shall be and hereby is authorized and required to hear and examine the said claim of the said John Hallock and all matters concerning the same and to determine and to ascertain whether any and what sum of money ought to be paid out of the estate of the said Lewis Palmer and shall make and subscribe a certificate of such determination directed to the treasurer of this State, and the said treasurer is hereby authorized and required to pay to the said John Hallock out of any money then in the treasury not otherwise appropriated such sum as shall be ascertained by such certificate to be due or payable to the said John Hallock out of the estate of the said Lewis Palmer taking a receipt for the same upon the said certificate; provided there shall be so much money in the treasury arising from the estate of the said Lewis Palmer; and if there shall not be money enough to discharge the same then the treasurer shall pay the sum in the treasury, and no more;

Proviso, as
to bond of
indemnity.

And provided also That the said John Hallock shall deliver to the treasurer the bond aforesaid with a proper discharge indorsed thereon; and shall give security to the people of the State and deliver the same to the treasurer to refund the said money or such part thereof as may be necessary to discharge any incumbrance which may hereafter appear to be on the said estate by claim of dower or otherwise.

CHAP. 52.

AN ACT to compleat the bridge across the Rosendale kill in the town of Hurley in Ulster county.

PASSED the 27th of March, 1794.

Preamble.
WHEREAS by an act entitled "An act to amend an act entitled "An act for laying out, repairing and improving certain public roads and highways within this State" passed the eleventh day of March one thousand seven hundred and ninety three, the commissioners for the middle district were directed to compleat a bridge across the Rosendale kill in the town of Hurley in the county of Ulster—*And whereas* the committee who superintended the building of the said bridge, being apprehensive the same might be carried away by reason of freshes usual in the spring of the year, did proceed to compleat the said bridge at their own expence, in full confidence the said commissioners would reimburse to them the monies they should so expend beyond the subscriptions obtained for building thereof—*And whereas* doubts have arisen whether the said commissioners were authorised to advance any money for services performed prior to the money coming into their hands. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the said commissioners for the middle district shall and they are hereby directed to pay to Joseph Gasherie Cornelius Dubois, Sovereign T. Bruyn, Johannes T. Jansen, John C. De Witt, Andrias De Witt, Nathaniel Dubois, Cornelius E. Wynkoop, Philip de Bevier, Jacob Hoornbeek and Samuel Freer, the committee appointed for building the said bridge, the monies in their hands not already appropriated or contracted for, in order to reimburse them for building the said bridge. *Provided* the same shall not exceed the sum of one hundred and forty eight pounds.

Payment to parties named for constructing a bridge.

And be it further enacted by the authority aforesaid, That the ninth clause of the act entitled "An act to amend an act entitled "An act for laying out repairing and improving certain public roads and highways within this State shall be and hereby is repealed.

Part of act repealed.

CHAP. 53.

AN ACT to amend the act entitled "An act to prevent the bringing in and spreading of infectious distempers in this State.

PASSED the 27th of March, 1794.

Be it enacted by the people of the State of New York represented in Senate and Assembly, That the act entitled "An act to prevent the bringing in and spreading of infectious distempers in this State shall extend to all vessels coming from any port or place whatsoever, and that in the absence of the person administering the government of this State for the time being, from the cities of Albany and Hudson, the mayor of the said cities respectively or in their absence, the recorders of the said cities respectively, shall execute the act aforesaid, in the said respective

Act rectified extended to all vessels; Hudson river, execution of act along.

cities and upon Hudsons river opposite to the said cities respectively and within one mile, above, and below the same, and two or more justices of the peace residing in any town, in this State bordering or lying upon any port or harbour of this State shall also execute the said act in such towns respectively, and upon the waters opposite to the same towns.

Act, how
executed.

And be it further enacted, That it shall be lawful for the said persons hereby authorized to execute the said act so far as respects vessels coming into the ports and harbours, of this State and also for any two or more justices, of any of the inland towns of the State to take effectual measures, to prevent the introduction and spreading of any infectious distemper into any part of the State by land, and for that purpose to stop, detain and examine any person coming from any place infected with any such distemper and if there shall be good cause to suspect any person to be infected as aforesaid, it shall be lawful for the person and persons herein before authorized to execute this act and the act aforesaid to cause every such person to be sent out of the State, not being an inhabitant of this State, or kept in such place as will not expose the inhabitants of the same to receive and take such infectious distemper and further to authorize and appoint any such person or persons under him or them, to and in the execution of this and the act aforesaid, as he or they may deem proper, and also to do every other act and thing which may be thought necessary to carry into effect, the object of this, and the act aforesaid as fully as if the same was herein particularly expressed and provided for.

Payments
from treasury.

And be it further enacted, That it shall be lawful for the treasurer of this State for the time being, and he is hereby required, out of any monies, not otherwise appropriated from time to time to pay such sum and sums of money, as the person administering the government of this State for the time being shall by warrant under his hand and seal direct to be applied in and about the execution of this act and the act aforesaid not exceeding the sum of one thousand pounds in any one year.

Physicians
to be ap-
pointed at
Albany and
Hudson.

And be it further enacted, That it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment to appoint such physician in the cities of Albany and Hudson for the purposes aforesaid, as they, may think necessary and proper and the physician who shall in pursuance of the said act examine any vessel coming from a foreign port shall be entitled to and receive from the commander thereof the sum of three pounds instead of the sum mentioned in the said act.

Governor's
Island,
quarantine
buildings
at.

And be it further enacted, That it shall and may be lawful for the person administering the government for the time being from time to time to appropriate the island commonly called and known by the name of Governors island for the purpose of erecting buildings or setting up tents thereon for the reception or accommodation of any person or persons infected or supposed to be infected with any such distemper as aforesaid or any other sick or disordered person or persons, and their necessary attendants, any lease grant or demise made or to be made by the regents of the university notwithstanding.

CHAP. 54.**AN ACT for the further sale of the unappropriated lands of this State.**

PASSED the 27th of March, 1794.

I. *Be it enacted by the People of the State of New York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the land office, and they are hereby required to direct the sale of the residue of the unappropriated lands of this State, situate in the western district thereof, to be made in the manner herein after prescribed; and that no other of the unappropriated lands of this State shall be sold or disposed of, until further legislative provision for that purpose be made, excepting the lands under the waters of navigable rivers as is directed by the eighteenth section of the act entitled "An act for the speedy sale of the unappropriated lands within this State, and for other purposes therein mentioned" passed the 5th day of May 1786: *Provided always and be it further enacted*, That nothing herein contained shall in any wise be deemed to extend to any of the lands reserved to the Oneida, Onondago, or Cayuga Indians, nor to the lands purchased from the Onondago Indians by the agents on the part of this State, appointed by the act entitled "An act relative to the lands appropriated by this State, to the use of the Oneida, Onondago and Cayuga Indians" passed the 11th of March 1793, nor to any lands heretofore reserved by law for public uses or for the use of this State or to any lands in the county of Onondaga other than the hundred acre lots herein after mentioned.

Sale of lands only in the western district to be made.

Proviso as to Indian lands.

II. *And be it further enacted*, That it shall be lawful for the said commissioners, and they are hereby required to direct the surveyor general to cause actual survey to be made of the unappropriated lands of this State, situate in the said western district, and that every of the tracts so to be surveyed as aforesaid shall be laid out into a town or towns, containing, as nearly as may be, sixty four thousand acres each, and as nearly in squares as local circumstances will permit, and that each town shall be laid out, and surveyed into lots of one hundred and sixty acres, which shall also be as nearly square as may be, and the lots in each town, shall be numbered from number one progressively to the last inclusive.

Surveys to be made into towns and lots.

III. *And be it further enacted*, That the surveyor general shall make or cause to be made a map of each of the said tracts so to be surveyed as aforesaid, distinguishing on such map each town and the lots therein contained which map shall be fixed up in the said surveyor general's office, and one copy thereof to be furnished by him shall also be fixed up in the office of the secretary of this State and the said surveyor general and secretary shall respectively permit any person whatever freely to inspect the said map between the hours of nine and twelve in the morning and three and six in the afternoon of every day (Sundays excepted) and the said map shall after the sale of the lands described thereon, as herein after directed be filed in the offices of the said surveyor general and secretary respectively.

Maps to be made and filed.

IV. *And be it further enacted*, That whenever the said commissioners shall direct the sale of any tract or tracts of the said lands surveyed as aforesaid to be made pursuant to this act, and the map or maps thereof shall have been fixed up in the said offices aforesaid, the said surveyor general shall give notice thereof by advertisement to be published in at least one

Advertisements of sales of lands.

of the newspapers printed in each of the great districts in this State, and shall in such advertisement specify a day certain not less than two, nor more than four months from the day on which such advertisement shall be first published, when he will commence the sale of such lands, in the city of Albany, by single lots at public vendue to the highest bidder, and shall also in such advertisement generally describe the situation of such lands and the terms of payment allowed to the purchaser by this act,

Sales made
to highest
bidders.

V. *And be it further enacted*, That the said surveyor general shall on the day specified in such advertisement and on so many days succeeding the same as shall be necessary for that purpose put up to sale at public vendue at the city of Albany aforesaid, the said lands so advertised as aforesaid and sell the same by single lots to the highest bidder: *Provided always* That no more than sixty four thousand acres of the unappropriated lands so to be surveyed as aforesaid shall be directed by the said commissioners to be sold at any one sale or vendue and that the same shall not be sold at a less price than six shillings per acre; *and provided also*, That the sales to be directed by virtue of this act shall be held at the distance of at least three months from each other.

Payments
for lands
sold, when
made.

VI. *And be it further enacted*, That every purchaser shall immediately after having made his purchase, or within forty eight hours thereafter pay to said surveyor general the fourth part of the purchase money, and on having paid the same, the said surveyor general shall give unto such purchaser, a certificate containing such a description of the lands purchased, as that the same may be inserted in the letters patent to be granted therefor, and shall endorse on such certificate the sum by him received, and also the sum remaining due on such purchase, and if the purchaser shall not within twelve months after the date of the said certificate pay the sum so remaining due to the treasurer of this State, the purchase of such delinquent purchaser, shall be and hereby is declared void, and the money so paid, forfeited to the people of this State, but if the sum so remaining due shall be paid to the said treasurer, within the time herein limited, he shall indorse a receipt therefor on the said certificate; and it shall be lawful for the said commissioners, and they are hereby required on such certificate and receipt being produced to them, to direct letters patent to be prepared and issued, for the lands described in such certificate to the purchaser thereof, or to his legal representative or representatives; *provided always*, That if any purchaser shall neglect or refuse within forty eight hours after such purchase to pay the said fourth part of the purchase money, such purchase shall be and hereby is declared void, and the said surveyor general shall at the same vendue again expose to sale the lands so purchased, in manner aforesaid, and the purchaser shall for such neglect or refusal forfeit to the people of this State the sum of five pounds to be sued for and recovered by the said surveyor general in his own name with costs of suit before any justice of the peace within this State.

Sale of re-
served
lands in
the mili-
tary tract.

VII. *And be it further enacted*, That it shall be lawful, for the said commissioners, and they are hereby required as soon as may be after the passing of this act, to direct all the lots commonly called the hundred acre lots, be the same more or less, situate in the military tract in the county of Onondago, and which are or shall be reserved to the people of this State, in and by the patents issued or to be issued for the said military tract, to be sold by the said surveyor general, without causing any further survey or other arrangement of the said lots to be made, and the said surveyor general, without making or causing to be made any map or maps of the said lots shall thereupon advertise and sell the same, as they are now situated by single lots in the same manner, on the same terms and

under the same restrictions, as is directed by this act with respect to the other unappropriated lands above mentioned, any thing in this act to the contrary notwithstanding; *provided however*, That the lots in the said military tract shall not be sold at a less price than eight shillings per acre.

VIII. *And be it further enacted*, That the said commissioners shall designate every town to be laid out by virtue of this act by such name as they shall deem proper and such name shall be inserted in the letters patent to be granted for the lands contained therein. Name of towns to be designated on maps.

IX. *And be it further enacted*, That in every town to be laid out, as aforesaid, the surveyor general shall reserve four lots and mark the same on the map, for promoting schools and literature, which lots shall be as nearly central in each town as may be, and shall not be sold, but reserved for, and hereafter applied by the legislature for promoting public schools and literature in the respective towns. Reservation for schools and literature.

X. *And be it further enacted*, That the surveyor general shall within forty days after every vendue or sale of lands to be held by virtue of this act, make return of such sales, and pay the monies which shall have arisen therefrom to the treasurer of this State, and if the respective purchasers or some person or persons on their behalf, do not pay the purchase money which shall remain due within the time herein before limited the said treasurer shall transmit to the said surveyor general the name of every delinquent purchaser, and the said surveyor general shall thereupon advertise and sell the said lands so sold and not paid for, in the same manner as if such sale had not been made. Return of sales to be made to the treasurer.

XI. *And be it further enacted*, That in case any person shall purchase at any sale or vendue to be held by virtue of this act two or more lots as aforesaid, the same shall be included in one patent to be issued for the same; and that the secretary of this State shall be entitled to the following fees for preparing the letters patent to be issued by virtue of this act, to wit, for each patent for a single lot the sum of eight shillings, for each patent for more than one, and less than four lots the sum of twelve shillings for each patent for more than three, and less than nine lots the sum of sixteen shillings, and for each patent for more than eight lots the sum of twenty four shillings; which fees shall be paid by the person or persons in whose favor any patent or patents shall issue. Patents to purchasers; fees to secretary.

XII. *And be it further enacted*, That in cases of purchases heretofore made from the commissioners of the land office, and on which balances are now due, the same shall be paid together with the lawful interest therefor, on or before the first Monday of July next, and that thereupon a patent or patents shall accordingly issue and be granted, for the said respective purchases, and in default of such payment, it is hereby declared that all bargains and sales heretofore made as aforesaid, and on which delinquencies as aforesaid shall exist after the said first Monday in July next shall be void and of none effect. *Provided however*, That nothing herein contained, shall be construed to prejudice or injure the right of any purchaser or purchasers, his or their legal representative or representatives respectively, and who may appear to have made default as aforesaid, or who may fail in making payments on the said first Monday of July next, when such failure shall not happen through the neglect or omission of such purchaser or purchasers, his or their legal representative or representatives, but shall be occasioned by a necessary delay in procuring a survey of such purchases so by them made, for the purpose of ascertaining the quantity of lands contained in the said purchases, but that it shall and may be lawful to and for the said commissioners of the land office to direct the granting of letters patent in the said last mentioned cases, as soon as the reason of such delay and Balance due on purchases of lands heretofore made.

Treasurer
to receive
certificates
in pay-
ment for
lands.

default shall be removed, and on payment being made thereon, within forty five days thereafter. *And be it further enacted* That the treasurer of this State shall be and hereby is required to receive in payment for any of the lands to be sold by virtue of this act any certificates signed by the treasurer of this State at their nominal value.

CHAP. 55.

AN ACT for the relief of the creditors of Stephen Holmes deceased.

PASSED the 27th of March, 1794.

Preamble.

WHEREAS it hath been represented to the legislature by the petition of John Miller that Stephen Holmes late of Bedford in the county of Westchester deceased on or about the first day of April in the year of our Lord one thousand seven hundred and seventy nine, died intestate, and seized of a real estate sufficient to discharge all the debts, due to the said John Miller, and other creditors of the said Stephen Holmes, that Lewis Holmes of the same place the only heir at law of the said Stephen on the death of the said Stephen, entered upon and took possession of the said real estate, and in a short time thereafter removed himself within the British lines, that the said Lewis Holmes, hath been convicted of adhering to the enemies of this State, and all his estate become forfeited to and vested in the people thereof and sold by the commissioners of forfeitures. That the avails of the said estate have been deposited in the treasury. That the said estate so descended confiscated and sold as aforesaid, was disposed of as the estate of the said Lewis Holmes, and therefore that the creditors of the said Stephen Holmes, have not had their claims liquidated and paid, their cases not being included in any law for that purpose. For remedy whereof—

Lewis
Holmes,
claim
against
estate of.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for any person, having any claim or demand as before mentioned against the estate of the said Lewis Holmes, and who was an inhabitant of this State on the ninth day of July in the year of our Lord one thousand seven hundred and seventy six, and hath not been convicted or attained or his or their legal representative, to present a petition or petitions to the chancellor, or one of the judges of the supreme court of judicature of this State for the time being, stating his or her claim or demand against the estate of the said Lewis Holmes, giving the attorney general of this State, at least twenty days notice thereof, and delivering to him a copy of such petition or petitions with the said notice, in order that he may attend on behalf of the people of this State, and the chancellor or judge to whom such petition or petitions, shall be presented, and addressed, shall be and hereby is authorised and required, to hear and examine the said claim or demand, and all matters concerning the same and according to equity and good conscience, to determine and ascertain, whether any and what sum of money ought to be paid out of the estate of the said Lewis Holmes, to the said person having claims as before mentioned on the estate of the said Lewis Holmes, and shall make and subscribe a certificate of such determination, directed to the treasurer of this State, and the said treasurer is hereby authorized and required, to pay to the person, or to his, or her legal representatives in whose favor a certificate

may be given as aforesaid such sum or sums of money as may be ascertained by the said certificate to be payable out of the estate of the said Lewis Holmes, taking a receipt for the same on the said certificate, provided such certificate, shall be presented to the said treasurer previous to the expiration of eighteen months from the passing of this act, but if the proceeds of the estate of the said Lewis Holmes should be insufficient to satisfy the whole of the claims and demands so certified to be payable in pursuance of this act, then it shall be lawful for the said treasurer, and he is hereby directed and required to distribute the monies arising from the estate of the said Lewis Holmes, aforesaid, to and among the several claimants, whose demands shall have been so ascertained and certified as aforesaid in proportion to the sums so certified to be payable to each of them respectively.

And be it further enacted, That the said persons in whose favor such certificate respectively shall be given shall, previous to their receiving the sums of money, which shall be certified to be due to them as aforesaid, each of them separately enter into a bond with one sufficient surety to the said treasurer to refund to the said treasurer or his successor in office a rateable proportion of any sum or sums of money, which this State may hereafter be obliged to pay in satisfaction of any claim or claims of dower or any other incumbrance or incumbrances whatever which may arise upon the forfeited estate of the said Lewis Holmes descended to him as aforesaid, unless there is a sufficiency in the treasury to satisfy the said dower, and other incumbrance or incumbrances, when the recovery or recoveries aforesaid is or are obtained comparing the sum or sums so recovered as aforesaid with the ballance now in the treasury of this State that has arisen from the forfeited estate aforesaid.

Bonds of indemnity to be given.

CHAP. 56.

AN ACT for the relief of George Hall and others.

PASSED the 27th of March, 1794.

WHEREAS George Hall, Adam Konkle, David Holbrook Henry Wells, Abiel Frey, and Solomon Tracy, did respectively procure from the commissioners appointed by law for that purpose allotments of the following tracts or parcels of land situate now or late in the town of Chemung in the county of Tioga for lot number fifty seven containing one hundred and nine acres, lot number eighty six containing two hundred and ninety seven acres and lot number one hundred and forty containing two thousand eight hundred and ninety seven acres as appears by the map and field book filed by the said commissioners in the office of the surveyor general of this State.

And whereas the purchase money for the said tracts of land owing to some unavoidable accident was not paid into the treasury of this State within the time limited by law for that purpose, and the said George Hall, Adam Konkle, David Holbrook, Henry Wells, Abiel Frey and Solomon Tracy, have prayed relief in the premises. Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly That if shall and may be lawful to and for the commissioners of the land office of this State and they are hereby directed and required to issue letters patent under the great seal of this State in the usual form unto the said George Hall or his legal represen-

Patents of lands to be issued to persons named.

tatives for the said lot number fifty seven unto Adam Konkle, or his legal representatives for the said lot number eighty six, and unto David Holbrook Henry Wells Abiel Frey and Solomon Tracy or their legal representatives for the said lot number one hundred and forty agreeable to the description and boundaries of the said several lots mentioned and contained in the map and field book aforesaid. *Provided always* that the said George Hall and Adam Konkle, and the said David Holbrook, Henry Wells, Abiel Frey Solomon Tracy, or their legal representatives shall previously and within the space of three calendar months after the passing of this act have paid into the treasury of this State the whole of the purchase money for the said lots so to be granted together with the lawful interest accrued subsequent to the first day of March one thousand seven hundred and ninety one.

And whereas by the act entitled An act to ascertain and settle the limits and boundaries between the patent of Kayaderosseras, the patent commonly called the Half Moon patent, and the patent of Shannandhoy or Clifton Park and to bind the title of the respective claimants certain commissioners were therein appointed which commissioners have determined the boundaries thereof.

And whereas by the petitions of a number of inhabitants possessing the aforesaid lands to the legislature stating that they the said petitioners had not consented to the appointment of the commissioners by law as aforesaid and praying relief in the premises.

And whereas the house of assembly in this present session did pass a bill for their relief which said bill the senate by their resolution have ordered to be printed so that all parties concerned might have notice thereof.

And whereas great injury may result to many of the occupants and possessors of the said land if the adjudication of the said commissioners should be given in evidence on any trial previous to a decision on the said bill so directed to be published. Therefore

Be it further enacted That neither the act herein before mentioned nor the decision thereon by the commissioners by the said act appointed shall be given in evidence on any suit to be commenced or on any trial to be had before the expiration of twenty days subsequent to the first day of the meeting of the next legislature for the recovery of any of the said lands held by any occupant or possessor thereof who has not actually been a subscriber by himself or his agent to any or either of the petitions on which the said act was predicated.

Act and
decision
referred;
not oper-
ate against
certain
persons
until time
specified.

CHAP. 57.

AN ACT further to continue the act for the appointment of an auditor and the settlement of the public accounts of this State, and also to continue the second section of the act amending the same.

PASSED the 27th of March, 1794.

Act ap-
pointing
auditor
continued.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the act entitled "An act for the appointment of an auditor, and the settlement of the public accounts of this State, passed the twenty third day of March, one thousand seven hundred and eighty two, and also the second section of the act further to continue and amend the act aforesaid, passed the seventh day of March one

thousand seven hundred and ninety two, shall be and hereby, are continued in full force and virtue to all intents and purposes until the first day of July which will be in the year of our Lord one thousand seven hundred and ninety six.

And be it further enacted That during the continuance of the act above said, the salary of the auditor shall from and after the first day of July next be at and after the rate of two hundred pounds per annum, payable in four equal quarterly payments at the treasury. Salary of auditor.

CHAP. 58.

AN ACT for the payment of the salaries of certain officers of government and other contingent expences.

PASSED the 27th of March, 1794.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer shall pay on or before the first day of July next to Simeon De Witt surveyor general of this State the sum of four hundred pounds—To James Fairlie clerk of the courts of oyer and terminer and general gaol delivery the sum of four hundred pounds, and to Francis Childs printer to this State the sum of one hundred pounds, for their services in their respective offices from the first day of July last to the first day of July next and to the said Simeon De Witt the further sum of thirty three pounds ten shillings as a compensation for monies by him advanced for running a temporary jurisdiction line between the town of Schenectady and the patent of Kayaderosse-ross and to Charles R. and George Webster the sum of thirty seven pounds ten shillings for services performed by them during the present session for and in behalf of Francis Childs printer to this State. *Provided nevertheless* That the said Simeon De Witt shall account with the auditor for this State and pay into the treasury all the fees which he may have received as surveyor general during the time abovesaid and which have not already been accounted for and paid. Annual appropriation bill; surveyor-general, et al.

And be it further enacted, That the treasurer shall pay unto David Van Horne adjutant general of the militia of this State, at and after the rate of three hundred and fifty pounds per annum to be computed from the time of his appointment and continued to the first day of July next, if he shall remain so long in office. *Provided always* That the said adjutant general shall and he is hereby directed and required once in every year to review the militia of this State. Adjutant general.

And be it further enacted, That the treasurer of this State shall pay to David Van Horne the adjutant general the sum of one hundred and twenty pounds for his services from the day of his appointment to the seventh day of October last. Id.

And be it further enacted, That the treasurer shall pay to such gentlemen of the clergy as shall have attended the legislature as chaplains during the present session the sum of sixteen shillings each, for every day of their attendance for that purpose and the certificates of their attendance and the sums due to them respectively shall be certified by the president of the senate and the speaker of the assembly in like manner as for members of the legislature. Chaplain of the legislature.

And be it further enacted, That the treasurer of this State be and he is hereby authorized and directed to pay to the mayor, aldermen, and Expenses in prevent-

ing intro-
duction of
pestilence.

commonalty of the city of New York in common council convened or to their order by warrant under the hand of the mayor, or recorder of the said city presiding in such common council the sum of one thousand four hundred and eighty eight pounds fourteen shillings and six pence being the amount of the necessary expences incurred and paid by the said mayor, aldermen and commonalty of the city of New York during the last summer and fall in and about the preventing the introduction and spreading of the pestilential disease in this State which then prevailed in the city of Philadelphia.

Id. *And be it further enacted,* That the treasurer of this State shall pay to the chamberlain of the city of Albany for the use of the mayor, aldermen, and commonalty of the said city the sum of one hundred and fourteen pounds for the like sum expended by them in guarding against the late malignant disorder which prevailed in Philadelphia.

John Jacob
Beeckman.

And be it further enacted, That the treasurer of this State be and he is hereby authorized and required to pay to John Jacob Beeckman the sum of four hundred and ninety pounds with interest at six per cent on the sum of four hundred and two pounds part thereof from the eleventh day of October in the year one thousand seven hundred and eighty eight until paid, upon the said John Jacob Beeckman assigning to the said treasurer in trust for the people of this State the deed dated the twenty fifth day of August in the year one thousand seven hundred and eighty eight executed by two of the commissioners of forfeitures for the western district of this State for the one equal undivided half or moiety of lot number one in a patent granted the eleventh day of October in the year one thousand seven hundred and sixty five, to Frederick Young and others and supposed to have been forfeited to the people of this State by the conviction of Frederick Young.

Relief of
inhabitants
of Saint
Domingo.

And be it further enacted, That a sum not exceeding three thousand five hundred pounds be and the same is hereby appropriated to be paid by the treasurer of this State out of any monies not otherwise appropriated in the treasury for the support of such of the inhabitants of Saint Domingo resident within this State as shall be found in want of such support.

Id. *And be it further enacted,* That in order to secure the due application of the monies aforesaid the same shall be placed under the direction of the person administering the government of this State and it shall be lawful for him to draw the said monies or any part thereof from the treasury of this State by warrant under his hand and to cause the distribution thereof to be made for the relief of the persons aforesaid in such manner and by the hands of such persons as shall in the opinion of the person administering the government of this State for the time being appear most conducive to the humane purposes hereby intended.

Id. *And be it further enacted,* That a regular statement and account shall be kept of the monies so expended and that the same be reported to the legislature of this State at their next session. *Provided however* That no part of the above sum shall be applied for the purposes aforesaid until the whole of such monies as have been already voluntarily contributed in and respecting the premises shall be expended. *And provided also* That all monies which have been or may hereafter be appropriated for the uses aforesaid by the Congress of the United States and which may be received therefor shall be first applied in and about the premises. *And provided also* That in case the French Republic or its minister or other authorized agent shall afford support and maintenance of the said inhabitants of Saint Domingo resident as aforesaid

within this State that then and from thenceforth the provision herein contained relative to them shall cease and be void. *And it is hereby declared* that the foregoing appropriation is made in full confidence that all sums of money expended in and about the premises shall be credited by the United States to this State in case any provision is made by the Congress of the United States in similar cases.

And whereas, a judgment has been obtained against Henry K. Van Rensselaer by the people of this State, for monies received by him for paying the officers and soldiers belonging to his regiment, in the late war—*And whereas* a number of the said officers and soldiers, have by their petition, represented to the legislature that they have not received their pay. Therefore

Be it further enacted, That the treasurer of this State shall and he is hereby authorized and required to examine into and adjust the claims of the said officers and soldiers late of the said Henry K. Van Rensselaers regiment, and whose pay was so received by the said Henry K. Van Rensselaer, and included in the said judgment in such manner as to him shall appear just and equitable and on such adjustment to pay to them and each and every of them the sum or balance that may appear to the said treasurer to be justly due and owing to them and each of them respectively.

Soldiers
and officers
of Col.
Henry L.
Van Rens-
selaer's
regiment.

And be it further enacted That the treasurer of this State be and he is hereby authorized and required to pay to Philip Pelton, Benjamin Pelton and Daniel Pelton or either of them the sum of four hundred and fifty pounds being the original purchase money paid by them to the late commissioners of forfeitures for the middle district, for a farm bought by them of the said commissioners situate in Fredericks Town in the county of Dutchess supposed to have been forfeited by the conviction of Tertullus Dickenson together with lawful interest on the said principal sum of four hundred and fifty pounds from the first day of May in the year one thousand seven hundred and eighty one and the amount of the taxed bills of costs of plaintiff and defendant in the ejectment suit in the supreme court of this State by which the said Tertullus Dickinson recovered the possession of the said farm from Joseph Blatchley who was tenant in possession under the said Philip Pelton Benjamin Pelton and Daniel Pelton, upon the said Philip Pelton Benjamin Pelton and Daniel Pelton assigning to the people of this State and delivering to the said treasurer a deed executed to them by the said commissioners.

Philip Pel-
ton et al.

And be it further enacted That the treasurer of this State pay unto the person administering the government of this State or to such person as he by his warrant shall authorize to receive the same, a sum not exceeding five hundred pounds for the purpose of procuring the necessary materials to put into repair the ordnance and appurtenances thereunto appertaining belonging to the people of this State and for furnishing the same with the requisite implements and that he accordingly direct the same.

Repair of
ordnance.

And be it further enacted That the treasurer of this State is hereby required to pay to Benjamin Hansen surviving executor of the last will and testament of Teunis A. Slingerlandt deceased the sum of one hundred and eighty pounds and ten shillings for the moiety of the sloop sold by the commissioners of sequestration of the county of Albany as the property of Michael Hoffnagel whenever the said Benjamin Hansen and John Tillman shall execute such release and indemnification in writing as the attorney general of this State shall approve of.

Benjamin
Hansen,
executor.

And whereas John Konkapot and Jacob Konkapot two of the Mohekanuck tribe of Indians have attended this legislature with a petition in

behalf of their tribe and are unable to defray their expences in returning home and have prayed that the State would grant them a small sum of money for that purpose. Therefore

John and Jacob Konkapot.

Be it further enacted that the treasurer of this State shall pay to the said John Konkapot and Jacob Konkapot, or their respective orders the sum of five pounds each for the purpose above mentioned.

John Ryer, apprehension of.

And be it further enacted That the treasurer shall pay to Abraham Hyatt and James Smith the sum of twenty five pounds five shillings and six pence for their expences incurred and paid in Canada in securing and conveying John Ryer late of Westchester county charged with the murder of Doctor Isaac Smith whilst in the execution of his office as deputy sheriff of said county from that place to and within the jurisdiction of this State, and the further sum of thirteen pounds eight shillings for their expences incurred and paid by them in securing and conveying the said John Ryer from the line of jurisdiction aforesaid to the said county of Westchester and that the treasurer also pay to Samuel Haight Esquire, sheriff of the said county the sum of forty seven pounds four shillings and ten pence to be by him appropriated in discharging the expences incurred in procuring a guard for the safe keeping of the said John Ryer and the more effectual prevention of the rescue of the same John Ryer from the goal of the aforesaid county after his conviction for the said murder.

Cohoes bridge.

And be it further enacted That the treasurer of this State be, and he is hereby authorized and directed to pay to William North Silas Talbot and Theodorus V. W. Graham commissioners for erecting bridges and improving roads in the western district of this State or either of them the sum of one hundred and ten pounds to enable them to improve upon the contract for building a bridge over the Mohawk river below the Cohoes or great falls on the said river, and that the said commissioners account for the said sum before the auditor of this State together with the sum heretofore committed to their trust for the purposes aforesaid in the manner heretofore prescribed by law.

Indian expenses.

And be it further enacted That the treasurer shall pay to John Taylor or his order the sum of eleven hundred and forty three pounds ten shillings and two pence in full for cash and other articles advanced by him to defray the expences incurred in negociations with the Onida, Cayuga, and Onondaga Indians in consequence of concurrent resolutions of the senate and assembly during the present session including a balance due since last year as appears by accounts rendered.

Governor for Incidentals.

And be it further enacted That the treasurer of this State shall pay to George Clinton governor of this State or to his order the sum of two hundred and forty one pounds nine shillings and five pence it being the amount of a ballance certified to be due to him by the auditor for sundry expences incurred in administering the government of this State during the last year.

Buttons on militia uniform.

And be it further enacted, That it shall be in the discretion of the brigadier generals respectively to direct that the buttons of the uniform of the militia in their respective brigades shall be either white or yellow metal any thing in the act for organizing the militia of this State to the contrary notwithstanding.

Hendrick Onontakoi.

And be it further enacted, That the treasurer be and hereby is directed to pay unto Hendrick Onontakoi an Oneida Indian the sum of forty dollars in full for a compensation for his services rendered to this State in the late war.

Road from Lake George.

And be it further enacted And the treasurer is hereby directed and required to pay unto Peter Van Ness John Williams and John Kinnecker-

backer Junr. commissioners of highways for the eastern district or to either of them the sum of one hundred pounds to be by them laid out and expended in the laying out and repairing the roads and bridges from the north end of Lake George to the south line of the town of Willsborough in the county of Clinton. running north.

And be it further enacted That the treasurer of this State shall be and he is hereby directed to pay to Elizabeth Mabie, the widow of Cornelius P. Mabie the sum of one hundred and sixty seven pounds and four pence, and to Margaret Ackerson the widow of John Ackerson ninety four pounds eighteen shillings and five pence, and to Huldah Lyon who was the widow of Ezekiel Hawley Junior the sum of thirty five pounds six shillings and seven pence, and to Ann Jones the widow of Thomas Jones the sum of one thousand and seventy four pounds and three shillings, and to Sarah Corey the widow of Griffin Corey the sum of one hundred and sixty nine pounds thirteen shillings and five pence for their rights of dower in the lands and tenements whereof their said respective husbands were seized and which have been sold by the commissioners of forfeitures upon their respectively executing and delivering to the treasurer of this State releases of their dower and rights of dower respectively of and in the said lands and tenements to the people of this State and to the persons respectively holding the said lands and tenements or any part thereof. Discharge of dower.

CHAP. 59.

AN ACT relative to the Indians resident within this State.

PASSED the 27th of March, 1794.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the person administering the government of this State and William North, John Tayler Abraham Van Veghten, Abraham Ten Broeck Peter Gansevoort Junior and Simeon De Witt are hereby appointed trustees for the Indians residing within this State; and for each and every tribe of them with full power to make such agreements and arrangements with the Onida Onondago and Cayuga Indians or any or either of them respecting the lands reserved for their use or claimed by them or any part or parts thereof as shall tend to produce an annual income to the said Indians and to insure their good will and friendship to the people of the United States. *Provided always* That every grant or conveyance to be obtained from any of the said Indians or nations or tribes of Indians shall be to the use of the people of this State, *and provided also* That every such grant or conveyance shall be in fee and with full power to extinguish the claims of any other Indians to any other lands within this State except the land the preemption whereof is ceded to the common wealth of Massachusetts in such manner as they may think proper, and with power to appoint an agent or agents as occasion may require for the purposes aforesaid but no agreement to be made by any such agent or agents shall be valid unless ratified by the said trustees. Trustees of certain Indian tribes.

And be it further enacted That the consideration for the purchase or cession of the right of the Onida Onondago or Cayuga Indians to any lands reserved to their use or to the use of either of the said nations or tribes shall be an annuity and that no more money shall be paid at the time of such purchase or cession than the amount of such annuity for Purchase price of lands to be paid in annuities.

one year, but the consideration for the extinguishment of any claim of the said Indians or any other Indians to any other lands within this State shall be paid at the time of making the contract or within one year thereafter.

Appropriation.

And be it further enacted That it shall be lawful for the person administering the government of this State and he is hereby required from time to time by warrant under his hand to draw from the treasury of this State such sum and sums of money as a majority of the said trustees shall deem necessary to be expended and applied in the execution of the trust and power hereby granted not exceeding in the whole five thousand pounds, and the treasurer of this State is hereby required out of any monies he may have in the treasury not otherwise appropriated forthwith to satisfy such warrants, and the said trustees shall be responsible to the people of this State for their respective expenditures and payments, and shall account with the auditor of this State accordingly.

Lands purchased not to be sold.

And be it further enacted, That the lands so to be purchased by the said trustees to the use of the people of this State shall not be sold or disposed of until further legislative provision be made in the premises.

Four trustees to be a quorum.

And be it further enacted, That any four of the said trustees of whom the person administering the government of this State always to be one shall be a quorum from time to time to execute the trusts and powers hereby granted.

L A W S

OF THE

S T A T E O F N E W - Y O R K ,

PASSED AT THE

EIGHTEENTH SESSION OF THE LEGISLATURE.

CHAP. 1.

AN ACT to revive and continue the proceedings of the court
for the trial of impeachments and the correction of errors.

PASSED the 29th of January, 1795.

WHEREAS the court for the trial of impeachments and the correction of errors was held in the senate room at Poughkeepsie in the county of Dutchess on Monday the twelfth day of January in the year of our Lord one thousand seven hundred and ninety five, and was then and there adjourned until the Monday then next. *And whereas* on Wednesday the fourteenth day of January in the year aforesaid, the legislature adjourned to meet at the city hall of the city of New York on Tuesday the twentieth day of January in the year aforesaid, so that the said court was not held on the day to which it was adjourned as aforesaid; by reason whereof all proceedings depending therein became discontinued. For remedy whereof.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all proceedings whatsoever depending in the said court at the time of the adjournment thereof as aforesaid on the said twelfth day of January in the year aforesaid, shall be and hereby are revived and continued, and adjourned to the first Monday next after the passing of this act.

CHAP. 2.

AN ACT concerning jurors for the trial of issues in the city of New York.

PASSED the 4th of February, 1795.

Jurors in
New York
city, im-
paneling
of.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the mayor aldermen and commonalty of the city of New York, in common council convened, shall, on or before the first day of July next cause the name of each person residing in the city and county of New York, qualified to serve on juries with his place of abode and addition, to be written on a slip of paper or parchment, and the same slips of paper or parchment to be put into a box to be provided for the purpose; and that from and after the said first day of July next, whenever any writ or process shall be issued for summoning a jury for any trial to be had in the city and county of New York either in the supreme court, or in any court of oyer and terminer and goal delivery, or circuit court, or sessions of the peace or mayors court, the sheriff or officer to whom such writ or process shall be directed, shall immediately upon receiving the same, give notice thereof to the town clerk of the city of New York, who shall thereupon draw out of the said box as many of the said slips of paper or parchment as shall be equal to the number of jurors to be summoned upon such writ or process, and if any person whose name shall be so drawn, shall be dead, absent from the city, or not qualified to serve as a juror to the knowledge of the said clerk, or be upon the pannel of the grand jury to be summoned at the same term or session, he shall draw another or others until he shall have drawn a sufficient number who are qualified, and shall then make a pannel of their names with their places of abode and additions as the same are written on the same slips of paper or parchment, unless any of them shall have changed their places of residence to his knowledge, in which case he shall alter the same in the pannel agreeable to the truth, and deliver the same pannel to the said sheriff or officer, who shall annex the same pannel to the said writ or process and summon the persons named therein as jurors thereon, and shall also annex a copy of the same pannel to all other process he may receive for summoning juries for trials in the same court at the same term or session and return the same persons as jurors thereon; but if the person named on any of the said slips of paper so drawn shall be dead or not qualified to serve on juries to the knowledge of the said clerk, he shall immediately destroy such slip of paper or parchment. And when he shall have completed such pannel, he shall put all the said slips of paper or parchment containing the names of the jurors named in the said pannel and those containing the names of such as are absent from the city or on the grand jury, into another box to be provided for the purpose, and shall proceed in like manner upon every application for a jury, until all the said slips of paper or parchment shall be drawn out of such first box; and shall then in like manner upon the next application proceed to draw the names of the jury out of the other box, returning the slips of paper or parchment containing the names of the jury so drawn, and of those who shall be absent or on the grand jury into the said first box, and so on as occasion shall require. And the said clerk shall have for his services in drawing every such jury and making the panel six shil-

lings, to be paid to him by the sheriff or other officer at whose request it shall be done. And the sheriff shall charge and be allowed what he pays to the said clerk, in his account against the people of this State. And such other officer as shall at any time pay the same to the said clerk, shall charge it to the plaintiff in the cause in which he returns the jury.

And be it further enacted by the authority aforesaid, That the mayor alderman and commonalty of the city of New York in common council convened, shall from time to time as occasions require and once in every year at least, cause the name of each person residing in the city and county of New York and qualified to serve on juries, and not contained in either of the said boxes with his place of abode and addition to be written on a slip of paper, or parchment, and put into the box out of which the names of jurors are then to be drawn as aforesaid. *Provided always* that nothing in this act contained shall extend to any cause which is or shall be ordered to be tried by a struck jury.

List of
qualified
jurors to
be annu-
ally made.

CHAP. 3.

AN ACT to authorize the commissioners of the land office to grant certain lands to Israel Spencer and others.

PASSED the 4th of February, 1795.

WHEREAS Israel Spencer and twenty nine others his associates, to wit, Jothan Houghton, James Westcoat, Josiah Chase, Isaac Collier, John Thompson, James Quackenbush, Joseph Colver, John Mumford, John Sisson, Joseph Wescot, Jason Spencer, John Mead, John Tuthill, Daniel Seaver, Samuel Sisson, George Mumford, Arnal Sisson, Ephraim Wight, Wilder Rice, Ephraim Kitchum, Nicholas Kittle, Israel Spencer junior, Jesse Spencer, Ezra T. Spencer, Jabez Dean, Elisha Chamberlain, Charles Devenport, Amos Spencer and Andrew N. Kittle, have by petition represented to the legislature, that they incline to form a compact settlement on a part of the unappropriated tract of land herein after described.

Preamble.

And whereas settlements by associations of husbandmen, has a tendency to promote good order, to enable the associates to provide teachers for the instruction of their children, and is a mean to afford mutual aid to each other in their agricultural pursuits. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the said Israel Spencer, in behalf of himself and his associates, to locate four thousand eight hundred acres of land in one entire tract, part of the unappropriated land lying in the county of Otsego, and between the lands heretofore granted to Walter Franklin and others, and Alexander McKee and others, and shall cause the same to be surveyed, at his and their proper expense by the surveyor general of this State, or by such deputy as he shall thereunto appoint; and that as soon as may be after such survey shall be completed, the said surveyor general shall certify to the commissioners of the land office the bounds of the tract so located and surveyed, specifying the names of the persons associated with the said Israel Spencer, and also the name or names of any person or persons at present occupying any part of the lands so to be located, and the number of

Location
may be
made by
parties
named

acres contained within the tract so located and surveyed, whereupon the said commissioners of the land office shall cause letters patent to be issued to the said Israel Spencer and such other persons as shall be named in such certificate as tenants in common, in fee simple. *Provided always*, that before such letters patent shall be issued, the said Israel Spencer and his associates, or some or one of them, shall pay into the treasury of this State, the sum of one thousand four hundred and forty pounds in three equal payments, the first whereof shall be made, on or before the expiration of one year from the date of such certificate as aforesaid and the residue in two equal annual payments thereafter, receipts of all which payments, shall be exhibited and filed in the office of the secretary of this State, before the issuing of such letters patent.

CHAP. 4.

AN ACT directing the paving certain streets in the village of Lansingburgh in the county of Rensselaer.

PASSED the 10th of February, 1795.

Com-
mis-
sioners to
pay
streets at
Lansing-
burgh,
powers
and duties
of.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That John D. Dickinson, James Dole, Jonas Morgan, Annanias Platt, Nicholas Schuyler, John Keating and Benjamin Tibbits or any four of them be, and they hereby are appointed commissioners, with full power and authority from time to time, and in such manner as they shall judge most conducive to public convenience, to order and direct, the pitching, leveling forming and paving the roads or streets hereafter mentioned vizt. That known by the name of King street in the village or town of Lansingburgh in the county of Rensselaer leading from what is commonly called South street to Richard street, in the town or village aforesaid. Also that commonly called North street, leading from Queen street to Water street. Also that commonly called Hoosick street, leading from Queen street to Water street, all in the town or village aforesaid. And that for the better effecting the same the said commissioners or any four of them shall and may cause an estimate or estimates of the expence to be incurred in the premises, and a just and equitable assessment thereof to be made among the owners or occupants, of all the houses and lots intended to be benefited by this regulation, in proportion, as nearly as may be to the advantage they shall be deemed respectively to acquire thereby. And in order that the same may be impartially performed, the said commissioners shall from time to time appoint three sufficient and disinterested freeholders for every such purpose who shall before they enter upon the execution of their trust, be duly sworn before any justice of the peace of the said county, to make the said estimate or assessment fairly and impartially according to the best of their skill and judgment, and a certificate in writing of such estimate and assessment being returned to the said commissioners, and ratified by them, shall be binding and conclusive upon the owners or occupants of such houses and lots so to be assessed respectively and such owners and occupants respectively shall thereupon become and be liable and chargeable, and they are hereby required upon demand to pay to such person or persons as shall be authorized by the commissioners, by their order for that purpose to be made in writing to receive the same, and in default of payment thereof, it shall and may

be lawful, to and for the said commissioners or any four of them by warrant under their hands and seals, to cause the said sum or sums of money, so assessed, to be levied by distress and sale of the goods and chattels of the owner or occupant of such house or lot so assessed, and neglecting or refusing to pay the same rendering the overplus money if any there be after deducting the sum assessed and the charge of distress and sale to such owner or occupant, or his or her legal representative.

Provided That it shall be lawful to and for the said commissioners, or any four of them to direct and establish certain rates at which any labour performed or materials furnished by any such owner or occupant for and towards the completing of such pavement as shall be credited on the said assessment.

And be it further enacted That nothing in the preceding clause contained shall be construed to affect any contract or agreement that hath been or shall be made between any land lord and tenant respecting the payment of any such charges or repairs but that they shall be answerable to each other in like manner as if this act had never been made, and that in case any money so from time to time to be assessed for the service aforesaid shall be paid by any person when by agreement or by law, the same ought to have been borne by some other person, that then it shall and may be lawful to and for the person so paying the same, and he shall be and hereby is empowered and authorized to sue for and recover the same with interest and costs of suit, in any court having cognizance thereof as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

And be it further enacted That if upon the completion of the pitching, leveling forming and paving the above mentioned streets or roads it shall appear to the said commissioners, that a greater sum of money has been bona fide expended in completing the same than the sum mentioned in the estimate so made as aforesaid and actually collected, it shall and may be lawful to and for the said commissioners or any four of them to cause a further assessment to be made of the sum which such bona fide expenditures shall exceed the sum so estimated and collected as aforesaid upon and among the owners and occupants of all the houses and lots before assessed as aforesaid and to cause the same to be collected in like manner as herein before directed and that if the sum actually expended shall be less than the sum expressed in such estimate and actually collected as aforesaid, the surplus shall be forthwith rendered to the respective persons from whom the same were so collected and received as aforesaid or his or their legal representative.

And be it further enacted That in case any of the lots situate on any of the said streets shall not be occupied or tenanted or in case sufficient goods and chattels to pay the sum so to be assessed on any lot or lots on any of the said streets shall not be found, then and in every such case it shall be the duty of the said commissioners or any four of them to cause an advertisement to be printed for six weeks successively in the public newspapers to be printed by the printer to the State and in one of the public newspapers to be printed in Lansingburgh aforesaid, specifying the number of said lot or lots and the sum or sums so assessed upon them and requiring the owners of such lots to pay the said sum or sums so assessed, with the expence of such advertisements to the said commissioners within nine months from the date thereof and in case any of the said sums so assessed shall remain unpaid at the expiration of the said nine months then and in every such case, the sum so assessed with interest at the rate herein after mentioned, shall be a lien upon the lot upon which the same shall be so assessed as aforesaid, and the said com-

Landlord
and tenant.

Proceed-
ings in case
additional
assessment
required.

Sale of
lands for
non-pay-
ment of
assess-
ment.

missioners or any four of them shall permit any person, who will pay the sum so assessed on any such lot with the said charges to take possession thereof, and such person his heirs and assigns shall hold and occupy the same lot and receive and take the rents and profits thereof to his and their own use, until the owner shall repay to him or them the sum so paid with interest for the same at the rate of ten per cent. And the person so holding and occupying any of the said lots shall not be answerable to the owner or owners thereof for any rents or profits thereof during the time he occupies the same, and shall have liberty at any time within thirty days after such repayment as aforesaid, to remove all the buildings and materials which he she or they shall erect or place thereon.

CHAP. 5.

AN ACT for raising a further sum of money for completing the gaol and court house in the city and county of Albany.

PASSED the 10th of February, 1795.

Preamble. WHEREAS the commissioners appointed by the act entitled An act for building a gaol and repairing the court-house in the city and county of Albany, have represented to the supervisors of the said county, that an additional sum of at least five hundred pounds will be absolutely requisite to complete the same.

And whereas the said supervisors by their petition have prayed that a law might be passed for that purpose. Therefore,

Tax levy in Albany county for completing court house and jail.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the supervisors of the city and county of Albany, and they are hereby authorised and required, to direct to be raised on the freeholders and inhabitants of the said city and county, the sum of five hundred pounds for completing the gaol and court house of said county, with an additional sum of one shilling in the pound for collecting the same, which said sums shall be raised, levied and collected at the same time and in like manner as the other necessary and contingent charges of the said city and county are levied and collected.

When tax to be paid; how expended.

And be it further enacted That the said sum of five hundred pounds shall be collected and paid into the treasury of the said city and county on or before the first Monday of February which will be in the year of our Lord one thousand seven hundred and ninety six and the treasurer of the said city and county is hereby required and directed out of the money aforesaid, to pay to the commissioners appointed by the act above recited, or their order the several sums of money to be by them drawn for; and it is hereby made the duty of the said commissioners for the time being, to account with the supervisors of the said city and county for the monies to be by them received and expended for the purpose aforesaid, when thereunto required.

Fees of treasurer.

And be it further enacted, That it shall and may be lawful for the treasurer of the said city and county of Albany, to retain in his own hands the sum of three pence in the pound for his trouble in receiving and paying out the monies arising and directed to be raised by this act.

CHAP. 6.

AN ACT further to continue the treasurer of this State in office.

PASSED the 10th of February, 1795.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That Gerard Bancker shall be and hereby is continued in office as treasurer of this State, until sixty days after the rising of the legislature at their next meeting after the first day of July which will be in the year of our Lord one thousand seven hundred and ninety six.

Gerard Bancker continued as State treasurer.

And be it further enacted, That the said Gerard Bancker, if he shall take upon him the execution of the said office shall on or before the first day of April next appear before one of the justices of the supreme court of this State and take the following oath vizt. "I Gerard Bancker, appointed treasurer of the State of New York do solemnly and sincerely swear and declare in the presence of Almighty God that I will during my continuance in the said office well faithfully and honestly to the best of my knowledge and ability execute all and every of the duties appertaining to the said office and that I will not on any occasion or pretence apply any money securities or other effects which shall or may come to my hands belonging to the said State to any private uses or purposes whatsoever and that when my accounts as treasurer shall be examined in manner directed by law I will exhibit a true account of such monies securities and other effects under this my oath of office so help me God."

Oath of office.

And be it further enacted That the speaker of the assembly for the time being shall take a bond from the above named Gerard Bancker on or before the first day of April next with not less than four sufficient sureties to the people of this State in the sum of twenty thousand pounds lawful money of this State with a condition that the said Gerard Bancker shall and will well faithfully and honestly execute and perform the duties of the said office, which bond when so taken shall be lodged in the secretaries office of this State.

Bond to speaker of the assembly.

And be it further enacted That if the said Gerard Bancker shall upon the expiration of the time, for which by this act he is continued in office procure and lodge in the office of the secretary of this State a certificate duly executed by the committee to be appointed for the settlement of the accounts of the said Gerard Bancker, expressing that his accounts as treasurer are regularly stated and balanced and also that the balance of monies securities and other effects belonging to the State if any there be, are actually in the treasury or deposited as directed by law such certificate when lodged in the office of secretary of State as aforesaid, shall be to all intents and purposes a discharge of the bond directed by this act to be given by the treasurer with sureties, for the faithful performance of the duties of his office as aforesaid.

Discharge of former bond.

CHAP. 7.

AN ACT for the relief of the heirs of Jeremiah Duggan deceased.

PASSED the 24th of February, 1795.

WHEREAS Jeremiah Duggan heretofore an inhabitant of Canada, left the same with his family when the army of the United States retreated

Preamble.

therefrom in the year one thousand seven hundred and seventy six and obtained a commission of major, and was in the actual service of the United States until his decease, his family then and now residing within this State, but probably, by reason of his death, his name was not inserted in the list of refugees who subsequent to the time of taking refuge in this State became by law entitled to bounty lands. Therefore

Letters
patent to
heirs of
Jeremiah
Duggan.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office and they are hereby directed, to cause letters patent to issue, to James Duggan the eldest son of the said Jeremiah Duggan and an inhabitant of this State and to his heirs and assigns for five hundred acres of land, and to William Duggan the second son of the said Jeremiah Duggan and an inhabitant of this State and to his heirs and assigns for another five hundred acres of land, in the tract of land set apart for the use of the line of this State lately serving in the army of the United States.

CHAP. 8.

AN ACT to enable the Minister Elders and Deacons of the Reformed Protestant Dutch-Church, of the city of New York to hold and enjoy an estate of the yearly value therein mentioned.

PASSED the 24th of February, 1795.

Preamble. WHEREAS the corporation of the Minister Elders and Deacons of the Reformed Protestant Dutch-Church of the city of New York have by their petition stated to this legislature, that the yearly income which they are enabled by law to hold and enjoy, is less than the exigencies of the said corporation require. Therefore,

Church
named
may hold
property
of yearly
value of
£3,600.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the Minister Elders and Deacons of the Reformed Protestant Dutch-Church of the city of New York and their successors shall have full power, good right and lawful authority to hold and enjoy lands tenements and hereditaments goods and chattels, and to demise lease and improve the same or any part thereof, for the benefit of the said corporation. *Provided* that the yearly income of such real and personal estate shall not exceed the sum of three thousand six hundred pounds including the income they now hold and enjoy. *Provided always*

Triennial
report to
be made.

And be it further enacted That one or more of the deacons of the said church shall triennially exhibit on oath to the chancellor or one of the justices of the supreme court an account and inventory of such real and personal estate in such manner as is prescribed by law with respect to other religious denominations in this State.

CHAP. 9.

AN ACT relative to the courts of common-pleas and general sessions of the peace in and for the county of Dutchess.

PASSED the 24th of February, 1795.

Terms of
courts in

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That instead of the present terms of the courts of

common pleas and general sessions of the peace in and for the county of Dutchess, the court of common pleas in and for said county shall from and after the first day of January next be held on the second Tuesday of January the last Tuesday of March the last Tuesday of June and the second Tuesday of October in every year and that each of the said terms may continue to be held until the several Saturdays next following inclusive, and that the court of general sessions of the peace in and for the said county shall from and after the first day of January next be held on the said last Tuesday of March and the said second Tuesday of October in every year and may continue to be held until the several Saturdays next following inclusive.

Provided always, That it shall be lawful for the judges and justices of the said respective courts when they conceive the due administration of justice will admit thereof to adjourn the said courts respectively to the next succeeding term on any day preceding the last day to which the power of holding the said courts is hereby extended as aforesaid.

CHAP. 10.

AN ACT to incorporate the trustees of the Lansingburgh library.

PASSED the 24th of February, 1795.

WHEREAS John Van Rensselaer, Jonas Coe, Nathaniel Williams, Silvester Tiffany, Elijah Janes, William Bell, Elisha Putnam, Hiram Hopkins, Benjamin Tibbits, John D. Dickenson, John Wolcott, Shuball Gorham Mathew Lyne, Annanias Platt, Joseph Alexander, Levinus Lansing, John Gaston, Hercules Marriner, John Rockwell, Jonathan Burr, David Spalding, Cornelius Lansing, Archibald Campbell, James Hickok, Lewis Beebe, Nicholas Schuyler, Thomas Rattoon, Wheeler Douglass, John Keating, Michael Henry, Ashbell Root, Thomas Bassell, Stephen W. Johnson, William W. Wands, John Lovett, William Bradley, Bela Redfield, Charles Selden, Jonas Morgan, Simeon Johnson, Ezra Hickok, Abiel Bugbey, Thomas Turner, Zachariah Garnwrick, Joseph D. Selden, Joshua Burnham, William Sim, David Thompson, James Reed, George F. Tennery, Samuel Stewart, Jacob A. Lansing, Guert Van Schoonhoven, Isaac Keeler, Joseph Lockwood, John Hutchinson, John Hazard, Hezekiah Ketcham, Matthew Gregory, Depuy Rosekrans, Joseph Robbins, Flores Bancker, Mathew Perry and George Tibbits, have by petition represent to the legislature, that they have become subscribers to, and have associated for the purpose of establishing a public library in the village of Lansingburgh; that the said subscribers have appointed John Van Rensselaer, John D. Dickenson, Charles Selden, Benjamin Tibbits, Elijah Janes, John Keating, William Bell, Silvester Tiffany, Nicholas Schuyler, Nathaniel Williams, Jonas Coe and Guert Van Schoonhoven, trustees for the said library, so to remain until the second Monday in March next, with power among other things to appoint a treasurer for the said library; that the trustees aforesaid pursuant to the power in them vested by the said subscribers have appointed William Bradley treasurer of the said library; that each of the said subscribers have paid, or secured to be paid to the said treasurer the sum of thirty shillings for each right subscriber held therein, and that each of the said subscribers have by their association for the purpose aforesaid, agreed to pay to the

treasurer of the said library, the further sum of thirty shillings on the first day of May last, and annually the further sum of twenty shillings for each right by them respectively held in the said library, for the term of four years, to be computed from the first day of February, one thousand seven hundred and ninety four, and annually for ever thereafter, the sum of eight shillings for every such right: And thereupon the said subscribers in and by their said petition have prayed, that for promoting the object of such association as aforesaid, the subscribers to the said library might be incorporated on principles as nearly as might be correspondent with their original association; a copy whereof accompanied the said petition; therefore in compliance with the prayer of the said petition.

Names of
incorporators
of trustees of
Lansingburgh
library.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the said John Van Rensselaer, Jonas Coe, Nathaniel Williams, Silvester Tiffany, Elijah Janes, William Bell, Elisha Putnam, Hiram Hopkins, Benjamin Tibbits, John D. Dickenson, John Wolcott, Shubal Gorham, Mathew Lyne, Annanias Platt, Joseph Alexander, Levinus Lansing, John Gaston, Hercules Marriner, John Rockwell, Jonathan Burr, David Spalding, Cornelius Lansing, Archibald Campbell, James Hickok, Lewis Beebe, Nicholas Schuyler, Thomas Rattoon, Wheeler Douglass, John Keating, Michael Henry, Ashbel Root, Thomas Bassell, Stephen W. Johnson, William W. Wands, John Lovett, William Bradley, Bela Redfield, Charles Selden, Jonas Morgan, Simeon Johnson, Ezra Hickok, Abiel Bugbey, Thomas Turner, Zachariah Garnwrick, Joseph D. Selden, Joshua Burnham, William Sim, David Thompson, James Reed, George F. Tennerly, Samuel Stewart, Jacob A. Lansing, Guert Van Schoonhoven, Isaac Keeler, Joseph Lockwood, John Hutchinson, John Hazard, Hezekiah Ketcham, Mathew Gregory, Depuy Rosekrans, Joseph Robbins, Flores Bancker, Mathew Perry and George Tibbits, and such other persons as shall be hereafter admitted members of the corporation hereby erected, be and hereby are, ordained, constituted, and declared to be, one body corporate and politic, in fact and in name, by the name of "the Trustees of the Lansingburgh Library," and by that name, they and their successors shall, and may forever hereafter, have perpetual succession, and shall and may by the same name, be persons capable in the law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, in all manner of actions suits complaints matters and causes whatsoever, and of what kind or nature forever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and also that they and their successors by the name of "the Trustees of the Lansingburgh Library," shall be in law capable of purchasing, holding and conveying any estate real or personal for the use of the said corporation, *provided* such real and personal estate at any one time held by the said trustees of the Lansingburgh library, shall not exceed the annual value of five hundred dollars, exclusive of the books, and of the annual payments herein after mentioned to be made by the members of the said corporation.

Powers and
duties of
trustees;
first trustees.

And be it further enacted by the authority aforesaid, That for the better carrying into execution the purpose aforesaid, there shall forever hereafter, belong to the corporation of the trustees of the Lansingburgh library aforesaid, twelve trustees, who shall conduct and manage the business of the said corporation library, in the manner herein after directed and appointed; and that the said John Van Rensselaer, John D. Dickenson, Charles Selden, Benjamin Tibbits, Elijah Janes, John

Keating, William Bell, Silvester Tiffany, Nicholas Schuyler, Nathaniel Williams, Jonas Coe, and Guert Van Schoonhoven be the present trustees of the said library, who shall remain in those offices until the second Monday in March next, and until others shall be chosen in their stead. That there shall forever hereafter be one chairman of the said trustees one treasurer and one librarian, to be elected and appointed in the manner herein after mentioned, and that it shall and may be lawful to and for the said trustees, in their discretion whenever they conceive it necessary, and for the interest of the said corporation, to appoint one, and the same person both treasurer and librarian: That the said John Van Rensselaer be the present chairman of the trustees of the said library, and that the said William Bradley be the present treasurer and librarian of the said library.

And be it further enacted by the authority aforesaid, That on or before the first Monday in March next, the said trustees shall by lot be divided into two classes, each class to consist of six of the said trustees; that the officers of the first class of the said trustees shall determine on the second Monday in March next, and the offices of the trustees of the second class shall determine on the second Monday in March in the year of our Lord one thousand seven hundred and ninety six; and that on the first Monday in March next, and on the first Monday in March in every year forever thereafter, there shall be a general meeting of the members of the said corporation for the time being at some convenient place in Lansingburgh, to be from time to time ascertained and fixed by the bye-laws of the said corporation; and that then and there by a plurality of votes of such members as shall so meet, six trustees shall be elected by ballot so that one half of the said trustees shall be annually chosen: That any person holding more than one right in the said library, shall be entitled to one vote for each right he or she shall hold in the same; that the trustees of the said library shall annually at their first meeting on or after the second Monday in March, in every year as aforesaid, appoint one of the said trustees their chairman: That when and as often as any vacancy shall happen by the death, removal, resignation, or neglect to serve of any of the said trustees, it shall be lawful for the chairman of the said trustees, or on his neglect or refusal, for any other three of the said trustees to summon a meeting of the members of the said corporation at such place in Lansingburgh as shall have been fixed and ascertained by the bye-laws of the said corporation, for the purpose of electing another or other person or persons instead of such as shall so have died removed refused or neglected to serve as aforesaid, and that such person or persons so to be chosen trustee or trustees at such meeting as last aforesaid, shall respectively remain in office during such time as the person in whose stead such trustee shall be chosen, would have done, in case such death removal refusal or neglect had not happened and no longer. That in case of the death removal refusal or neglect, to serve of the chairman for the time being, it shall be lawful for the trustees of the said library, at any of their meetings to appoint another chairman instead of the one dying, removing, refusing or neglecting to serve as aforesaid, to remain in office until the first meeting of the said trustees, on or after the second Monday in March then next; that the trustees of the said library, shall at every such annual general meeting of the members of the said corporation, exhibit to such members, a state of the said library, the minutes of the proceedings of the trustees, during the year immediately preceding such meeting, and the treasurer and librarians accounts, stating the amount of receipts and expenditures during such year.

Expiration
of term of
first board;
elections.

And be it further enacted by the authority aforesaid, That the said Meetings

of trustees;
chairman;
quorum;
treasurer;
specific
powers and
duties.

trustees shall have stated meetings once in every quarter in every year, at such times as the said trustees shall from time to time appoint for that purpose; that the said chairman, or any three of the trustees of the said library for the time being, shall and may from time to time, as occasion may require summon and call together at such place in Lansingburgh as shall from time to time be appointed by the bye-laws of the said corporation, the trustees of the said library, giving them at least two days notice of such meeting; that the chairman and any six or more of the said trustees, and in the absence of the chairman, any seven or more of the said trustees shall form a board of trustees, and that the chairman and the other of the said trustees so met, shall respectively have one vote in the proceedings of the said trustees; that any seven or more of the said trustees, or a majority of them so met, shall have full power and authority, to adjourn from day to day, or for such other time as the business of the corporation may require; and from time to time, to appoint, and at their pleasure to displace a treasurer and librarian of the said library, and to appoint other or others in their stead and place; from time to time to ascertain the compensation to be allowed the treasurer or librarian, or either of them for their service in their station respectively; and from time to time to regulate and appoint to them the said treasurer and librarian or either of them, their respective powers trusts and duties; to direct the application of the monies belonging to the said corporation, to the purchase of such books as they shall from time to time think proper, to the providing a room or house for the safe keeping of the books of the said library, and to transact, do, manage and perform in the name of the said corporation all and every act and acts, thing and things whatsoever, which shall be necessary to be done, and which the trustees of the Lansingburgh library aforesaid, are by virtue of this law authorized to do; and to make frame constitute establish and ordain from time to time and at all times hereafter, such laws, constitutions, ordinances and regulations for the better government of the officers, members and servants of the said corporation; for regulating the terms upon which the books of the said library shall be lent out, both to the members of the said corporation and others, for fixing and ascertaining the times and places of quarterly meetings of the said trustees; for altering fixing and ascertaining the places of meeting of the members of the said corporation for the election of trustees; for regulating the management and disposition of the books of the said library, and the monies funds and effects belonging to the said corporation; the transferring rights in the said library from one person to another, and all other the business and affairs whatsoever of the said corporation as they or the major part of them so legally met, shall judge best for the general good of the said corporation, and for the more effectual promoting, increasing, and preserving of said library, and the same or any of them to alter, amend or repeal from time to time, as they or the major part of them so met shall think proper. *Provided* such laws, constitutions, regulations and ordinances be not repugnant to the laws of this State.

Rights of
members.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every of the members for the time being of the said corporation, his and her executors administrators and assigns, to give, sell, alien, assign, devise or dispose of their respective rights in the said library, and that their respective assigns shall be members of the said corporation, and shall be entitled to all and every the same rights and privileges in the said library, and in the said corporation, as the members in this act named are entitled to by virtue of this

act: *Provided always*, that a part of a right in the said library, shall not entitle the proprietor or owner thereof to any privilege whatsoever in the said library or corporation.

And be it further enacted by the authority aforesaid, That it shall and may be lawful at such meetings of seven or more of the said trustees of the library for the time being, or for the major part of them so met, to make any bye-laws, constitutions or ordinances of the said corporation to admit under the common seal of the said corporation such and so many persons members of the said corporation as they shall think beneficial to the said library, which members so admitted shall be entitled to have hold and enjoy, all and every of the same rights and privileges as the members herein particularly named are entitled to by virtue of this act. By-laws and ordinances.

And be it further enacted by the authority aforesaid, That each and every of the members of the said corporation for the time being shall, on or before the first day of May next, pay to the treasurer of the said library for the use of the said corporation the sum of twenty shillings for each right they respectively hold, and on or before the first day of February in every of the three next succeeding years, to be computed from the first day of February next pay to the treasurer of the said library for the use of the said corporation, the further sum of twenty shillings for each right such members respectively hold in the said library, and from and after the expiration of the said three years the sum of eight shillings for each right such members respectively hold in the said library on or before the first day of February in every year for ever thereafter; and that in case any of the said annual sums, or any other sum which of right shall become due to the corporation from any of its members, shall at any time or times hereafter be in arrear and unpaid by and for the space of forty days next after any of the days on which the same ought to have been paid, that then the person or persons from whom the same shall be due and payable, shall be precluded from exercising any of the privileges to which he became entitled by virtue of his being or becoming a member of the said corporation until such sums shall be fully satisfied; and if such payment shall not be made within two years after any such sums shall become due as aforesaid, that then and after the expiration of two years from the time such payment shall become due the person or persons from whom the same shall become due and payable, shall thereupon forfeit and be utterly excluded of all his her or their rights and privileges in the said library and corporation. Assessment on members.

And be it further enacted by the authority aforesaid, That in case it should so happen, that an election of trustees should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of trustees, in such manner as shall have been regulated by the laws and ordinances of the said corporation. Failure of election of trustees not to forfeit charter.

CHAP. 11.

AN ACT for taking a census in this State.

PASSED the 3d of March, 1795.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Schedules to be pre-

pared by
secretary
of State
and for-
warded to
county
treasurers,
etc.

That the secretary of this State, shall forthwith cause returns to be printed in the forms of the schedules to this act annexed, and shall on or before the first day of May next, deliver or cause to be delivered to the clerk of the city and county of New York, seven copies of the said returns, according to the first of the said schedules, and seven copies of this act; and to the clerk of the city and county of Albany, three of such schedules and three copies of this act; and to the treasurer of the county of Albany, and to the treasurers respectively of the other counties in this State other than the counties of Ontario Clinton and Onondaga, three times as many of the said returns, according to the second of the said schedules, as there are cities and towns in their counties respectively, and a like number of copies of this act; and it is hereby made the duty of and enjoined on the said treasurers respectively, on or before the first day of May next, to deliver to the clerk of each of the towns within the county of which he is treasurer, and to the clerk of the city of Hudson, by the treasurer of the county of Columbia the returns and acts intended for each town, and for the said city of Hudson.

Persons to
be desig-
nated in
each town
or city to
take cen-
sus.

And be it further enacted by the authority aforesaid, That the supervisor of the city of Hudson, the assessors and clerk thereof, and the supervisor, assessors and clerk of every town in this State, shall respectively convene on or before the first Monday in June next, at the office of the clerk of the said city or town (as the case may be) and they or such of them as shall so convene, shall by a majority of voices, appoint one or more, not exceeding three discreet and capable persons, to take the census of the electors in the city or town for which they shall respectively be appointed, and in the manner hereinafter directed.

Id., in
wards of
New York
and
Albany.

And be it further enacted by the authority aforesaid, That the mayor aldermen and commonalty in common council convened of the cities of New York and Albany respectively, shall on or before the first Tuesday in June next, appoint one or more not exceeding three discreet and capable persons in each of the wards of the said cities respectively, to take the census of the electors in the wards of the said cities for which they shall respectively be appointed, and in the manner hereinafter directed.

And whereas there may not be a treasurer in either of the counties of Ontario, Clinton and Onondaga, nor supervisors, assessors and clerks in each of the towns of the said counties. Therefore

Ontario,
Clinton
and Onon-
daga coun-
ties, duties
of sheriff.

Be it further enacted by the authority aforesaid, That the secretary of this State is hereby required, to transmit to the sheriffs of the said counties respectively, such a number of the said returns and copies of this act as shall in his judgment be competent for the purposes by this act intended; and it shall be, and it is hereby made the duty of each of the said sheriffs respectively, either by himself, his deputies, or by deputies to be specially appointed for the purpose, to take the census in manner hereinafter directed; and shall assign to each deputy, such parts of his county as he shall deem proper, requiring of each deputy to deliver the returns of the census taken, to him on or before the first day of December next; and the sheriffs respectively shall transmit such returns to the secretary of this State in like manner, on or before the time limited for transmitting such returns by the treasurers of the other counties.

Manner of
taking the
census, ex-
cept in
New York

And be it further enacted by the authority aforesaid, That the persons so to be appointed in the city of Hudson, and in the several towns within this State and within the said counties of Ontario, Clinton and Onondaga, shall without delay take the number of all the electors resid-

ing in the said city, towns and counties respectively, and enter the same ^{and Albany.} in the returns to be delivered them by the clerk of the said city, and of the towns respectively, and by the sheriffs of the said counties, in manner following, that is to say; in the first column, the name of the head of each family; in the second column, the whole number of male inhabitants in the same family, if any, who are above the age of twenty one years, and are possessed of freeholds within this State of the value of one hundred pounds over and above all debts charged thereon; in the third column, the whole number of male inhabitants in the same family, if any, who are above the age of twenty one years, and are possessed of freeholds in the county in which the said city or town is situated, of the value of twenty pounds, but no person shall be numbered in the third column, who has been numbered in the second column; in the fourth column, the number of male inhabitants in the same family, if any, not possessed of freeholds in the same county, and who are citizens of this State, and above the age of twenty one years, and who rent tenements of the yearly value of forty shillings, but no person shall be numbered in the fourth column, who has been numbered either in the second or third columns; and when they have compleated the same in the manner hereby directed, they shall each respectively subscribe the return to be by him made, with his name, and certify the same to be a true return to the best of his knowledge and belief, and shall attest to the truth of such certificate, by oath or affirmation before any justice of the peace, who shall certify such attestation; and each person having taken such census shall on or before the first day of December next, deliver or cause the same to be delivered in manner following, to wit, those taken in the counties of Ontario, Clinton and Onondaga, to the sheriffs of the said counties respectively; and those taken in the city of Hudson and in the several towns of the other counties, to the clerk of the said city and towns respectively, and the clerks shall immediately thereafter, deliver or cause the same to be delivered to the treasurer of their counties respectively; and the said sheriffs and treasurers are hereby strictly enjoined carefully to enclose the returns to them severally delivered, in one or more safe and convenient packages, and place his seal on each package, and shall carry, or send by a special messenger or some other safe person who shall give a receipt for the same, all such returns to the secretary of this State on or before the tenth day of January next.

Delivery of schedules, when census completed.

And be it further enacted by the authority aforesaid, That the returns of the census taken in the city of New York, shall with respect to the four first columns be taken and made in like manner as is directed with respect to the towns, and in the fifth column shall be inserted the number of male inhabitants in the same family, if any, who were freemen of the city of New York on the fourteenth day of October in the year of our Lord one thousand seven hundred and seventy five, and no person shall be numbered in the fifth column who has been numbered in either of the other columns, and the returns so compleated certified and attested to in manner aforesaid shall be delivered to the clerk of the said city on or before the first day of December next, and by the said clerk delivered to the secretary of the State on or before the tenth day of January next.

New York city.

And be it further enacted by the authority aforesaid, That the returns of the census taken in the city of Albany, shall with respect to the four first columns be taken and made in like manner as is directed with respect to the towns, and in the fifth column shall be entered the number of male inhabitants in the same family, if any, who were freemen of the city of Albany on the twentieth day of April in the year of our

Albany city.

Lord one thousand seven hundred and seventy seven; and no person shall be numbered in the fifth column, who has been numbered in either of the other columns, and the returns so compleated certified and attested to in manner aforesaid shall be delivered to the clerk of the said city, on or before the first day of December next, and immediately thereafter, by the said clerk to the treasurer of the city and county of Albany to be transmitted by the said treasurer with the returns taken in the towns of the said county.

Secretary of State, duty of, on return of schedules.

And be it further enacted by the authority aforesaid, That the secretary of this State shall without delay, after receiving the same returns, make or cause to be made from the said returns, a general account of the number of electors in each county of this State, substituting in such account, the names of the cities wards and towns in the first column, in the place of the names of the heads of families in the said returns; and also a general account of the number of electors in this State, substituting the names of the counties in the first column, in the place of the names of the cities, wards and towns in the said first general accounts, and lay such accounts before the legislature at their first meeting after the first day of January next.

Persons taking census may administer oaths.

And be it further enacted by the authority aforesaid, That it shall and may be lawful, for any of the said sheriffs and deputy sheriffs, and persons appointed to take the census, and each and every of them is hereby authorized to administer an oath to, and examine any person on oath touching the premises, to enable them to make true returns as aforesaid.

Penalty for neglect.

And be it further enacted by the authority aforesaid, That if any mayor, alderman, assistant, supervisor, assessor, sheriff or deputy sheriff or person appointed to take the census, or county treasurer, shall refuse or neglect to perform what is required of him by this act, every person so refusing or neglecting, shall forfeit and pay to the people of the State of New York, the sum of fifty pounds, to be recovered with costs of suits by the attorney general of this State, by action of debt, bill, plaint or information, in any court of record.

Compensation of officers employed in taking census, etc.

And be it further enacted by the authority aforesaid, That the said sheriffs, deputy sheriffs, persons appointed to take the census, and county treasurer in each county shall be allowed and paid for their services, such sum of money as the supervisors of the same county or the major part of them shall judge reasonable, to be assessed levied and paid as part of the contingent charges of the same county; and in case the treasurers of the counties of Montgomery, Washington, Tioga, Herkemer and Otsego, and the sheriffs of the counties of Clinton Ontario and Onondaga, or either of the said treasurers or sheriffs shall find it requisite to forward the said returns by any special messenger, such special messenger shall be allowed at and after the rate of one shilling and six pence per mile, the mileage to be computed from the residence of the treasurer or sheriff (as the case may be) to the city of New York and such mileage shall be paid by the treasurer of this State on the certificate of the secretary thereof.

Penalty for false return by head of family.

And be it further enacted by the authority aforesaid, That if any person being the head of a family, shall make a return, or give an account to any person authorized by this act to take the census of electors within this State, of a greater or less number of persons, than belong to his or her family as male freeholders possessing freeholds of the value of one hundred pounds, or as male freeholders possessing freeholds of the value of twenty pounds, or as male inhabitants renting tenements of the yearly value of forty shillings, or as freemen within the purview of this act of either of the cities of New York or Albany, every person

so offending shall forfeit the sum of ten pounds, to be recovered with costs of suit before any justice of the peace to and for the sole use and benefit of any person who shall prosecute for the same; or if any person shall give an account of or return himself to any person authorized by this act to take the census of the electors within this State, as a freeholder of either of the descriptions herein before specified, or as an inhabitant renting a tenement of the yearly value of forty shillings or as such a freemen as aforesaid, and shall not at the same time be such a freeholder inhabitant or freeman, shall forfeit the sum of ten pounds to be recovered with costs of suit before any justice of the peace, to and for the sole use and benefit of any person who shall prosecute for the same.

First Schedule.

Return of electors in the		ward of the city of		
HEADS OF FAMILIES.	Electors possessed of freeholds of the value of £100.	Electors possessed of freeholds of the value of £20 and under £100.	Electors not possessed of freeholds but who rent tenements of the yearly value of 40s.	Electors who were freemen on the 1st day of 1775

Second Schedule.

Return of electors in the town of		in the county of		
HEADS OF FAMILIES.	Electors possessed of freeholds of the value of £100.	Electors possessed of freeholds of the value of £20 and under £100.	Electors not possessed of freeholds, but who rent tenements of the yearly value of 40s.	

CHAP. 12.

AN ACT to enable the mayor aldermen, and commonalty of the city of New York to order the raising monies by tax, for the maintenance of the poor and for defraying other expenses in the city and county of New York.

PASSED the 5th of March, 1795.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the mayor aldermen and commonalty of the city of New York, or the major part of them of whom the mayor or recorder to be one, shall be and hereby are fully authorized and empowered, as soon as conveniently may be, after the first day of May next to order the raising a sum not exceeding fourteen thousand pounds by a tax on the estates, real and personal of the freeholders and inhabitants within the city and county of New York, to be applied to the support and maintenance of the poor of the said city and county, and for purchasing further materials to build a new alms-house in the said city; for making repairs and improvements in the gaol and bridewell of the

Tax levy in New York city for contingent purposes.

said city and subsisting the criminals from time to time confined therein respectively; for the repairing and maintaining the public roads, and regulating and improving the streets and for paying the other contingent expenses arising within and properly chargeable to the said city and county.

Id., for
police and
street
lighting.

And be it further enacted That it shall and may be lawful for the mayor aldermen and commonalty aforesaid, or the major part of them, of whom the mayor or recorder, to be one, as soon as conveniently may be after the first day of May next to order the raising a further sum not exceeding six thousand pounds by a tax on the estates real and personal of the freeholders and inhabitants within the said city, on the south side of a line beginning at the outlet of the meadow of Anthony Lisenard into Hudsons river; thence extending to and along the north side of the dwelling house of Nicholas Bayard thence to and along the north side of the dwelling house of John R. Livingston and thence to and along the north side of the dwelling house of Abraham Cannon to the East river; to be applied to the payment of so many watchmen as the mayor aldermen and commonalty of the said city in common council convened shall from time to time think necessary for guarding the said city; and also the purchasing oil, providing lamps, and repairing and attending the lamps which now are, and from time to time hereafter may be erected within the said city; and also the making and repairing the pumps and wells in the said city, and for the payment of such other contingent charges of the said city, arising within the limits aforesaid, and properly chargeable thereto, as the mayor aldermen and commonalty of the said city, in common council convened shall think necessary and from time to time direct; which said several sums of money shall be rated and assessed according to the estate of such respective person so to be taxed; and be collected in one payment and paid into the hands of the treasurer or chamberlain of the said city, at such time after the said first day of May next, as the said mayor aldermen and commonalty or the major part of them shall direct and appoint; any thing in the second section of the statute entitled "An act for the more effectual collection of taxes in the said city and county of New York contained to the contrary notwithstanding.

Fees of
collectors
and treasurer.

And be it further enacted That it shall be lawful for the collectors of the fourth sixth and seventh wards of the said city, to retain in their hands the sum of one shilling in the pound, and the collectors in the several other wards the sum of nine pence in the pound and no more for their trouble in collecting and paying to the treasurer or chamberlain of the said city such sums of money as shall be raised by virtue of this act, and that it shall and may be lawful for the said treasurer or chamberlain to detain in his hands the sum of two pence in the pound, and no more for his trouble in receiving and paying the said monies.

CHAP. 13.

AN ACT to raise a further sum of money to discharge the arrears for rebuilding the bridge over the Ramapough creek in Orange county.

PASSED the 5th of March, 1795.

Preamble. WHEREAS, by an act, passed the 10th day of February 1794 entitled "An act for rebuilding the bridge over the Ramapough creek, in Orange

county and for other purposes," the sum of eighty pounds was raised of and from the freeholders and inhabitants of the towns of New Hempstead Clarkstown and Haverstraw in the said county, for rebuilding the said bridge, which sum is found to be insufficient to complete the same. *And whereas* a number of the inhabitants of the said towns by their petition to the legislature have prayed that a further sum of money may be raised to pay the arrears in rebuilding the said bridge. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That the supervisors of the county of Orange or a majority of them at their next annual meeting are hereby authorised and required to cause to be levied and collected of and from the freeholders and inhabitants of the towns of New Hempstead Clarkstown and Haverstraw in the said county a sum not exceeding the sum of fifty six pounds six shillings which money shall be paid into the hands of the treasurer of the said county on or before the first day of December next in like manner as the other contingent charges of the said county are raised levied and paid together with the usual fees for levying collecting and paying the same. And the said treasurer is required to pay the said sum of fifty six pounds six shillings to the order of the supervisors of the said towns or a major part of them to pay and discharge the said arrears and the said supervisors shall account to the supervisors of the said county for a disposition of the said monies when thereunto required.

Tax levy in part of Orange county for a bridge over Ramapough creek.

CHAP. 14.

AN ACT for apportioning the poor of the late town of Saratoga among the towns therein mentioned and for other purposes.

PASSED the 5th of March, 1795.

WHEREAS no provision hath been made by law, since the division of the late town of Saratoga for apportioning the poor belonging to the said town among such parts thereof as have been erected into separate towns. Therefore,

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly That Stanton Tift, Philip Smith, Thomas Smith, John Bleecker, Elias Palmer, Cornelius Van De Bergh, Jonathan Lawrence, Daniel Bull and John B. Schuyler be and are hereby appointed commissioners for the purpose of apportioning the said poor among the towns of Stilwater and Saratoga in the county of Saratoga and the town of Easton in the county of Washington and for settling and adjusting all the unsettled accounts of the said towns since the division of the said town of Saratoga in such manner as shall appear just and equitable to the said commissioners or to a majority of them.

Apportionment of poor of former town of Saratoga.

And be it further enacted That each of the said towns shall after the said appointment maintain such poor as shall be allotted to it by the said commissioners or a majority of them.

Towns to support their own poor.

And be it further enacted That if after the settlement of the accounts of the said towns as aforesaid it shall be found that either of the above mentioned towns has not paid its proper proportion towards the maintenance of the poor and that, by reason of such deficiency any of the said towns has contributed more than its proportion that then and in such case it shall be the duty of the supervisors of the county of Saratoga if the ballance shall be due by any of the towns in the county of

Settlement of the account of towns referred to.

Saratoga and of the supervisors of the county of Washington if the balance shall be found due by the town of Easton in such county to cause to be raised levied and collected from the freeholders and inhabitants of the town by which the same shall be due such sum or sums of money as the said commissioners or a majority of them shall certify to be due from one town to another, and that the said sum or sums so collected as aforesaid shall be paid to the overseers of the poor of the town specified in the certificate of the said commissioners or a majority of them.

Where
commis-
sioners to
meet.

And be it further enacted That the said commissioners are hereby authorised and required to meet on the second Tuesday of May next at the house of Ezekiel Ensign in the town of Stillwater for the purposes aforesaid.

Division of
the poor
of Milton
and Sara-
toga.

And be it further enacted That the time limited for the meeting of the overseers of the poor and the supervisors of the towns of Saratoga Milton and Greenfield for the purpose of dividing the poor of the said towns of Milton and Saratoga be, and is hereby prolonged until the third Tuesday of May next and the overseers of the poor and supervisors are hereby required to meet at the house of Joel Reynolds in the town of Greenfield aforesaid for the above purpose.

CHAP. 15.

AN ACT to alter the bounds of the towns of Charlton and Ballston in the county of Saratoga.

PASSED the 5th of March, 1795.

Preamble.

WHEREAS it hath been represented to the legislature that the present bounds of the towns of Charlton and Ballstown are inconvenient to the inhabitants residing in the said respective towns. Therefore

Charlton
and Ball-
ston,
boundaries
of.

Be it enacted by the People of the State of New York represented in Senate and Assembly That from and after the passing of this act the town of Charlton shall be bounded as follows to wit beginning at the south west corner of the town of Gallway, and running thence south along the east bounds of the county of Montgomery to the north bounds of the county of Albany thence easterly along the north bounds of the county of Albany until a north line as the needle now points will strike the south-west corner of the tract of land commonly called the five mile square thence northerly to the south west corner of the said five mile square thence along the west bounds of the said five mile square to the south bounds of the town of Milton thence along the south bounds of the said towns of Milton and Galway to the place of beginning.

CHAP. 16.

AN ACT to divide the towns of White Town and Paris in the county of Herkemer.

PASSED the 5th of March, 1795.

Division of
towns of
Whites-
town and

Be it enacted by the People of the State of New York represented in Senate and Assembly That from and after the first Monday in April one thousand seven hundred and ninety five all that part of the towns of

White Town and Paris in the county of Herkemer included in the following bounds vizt. Beginning at the south west corner of the said county of Herkemer and running thence along the south bounds of said county to the south west corner of the township number eight being one of the twenty townships lately laid out and sold by this State thence north along the division line between the townships of number seven and eight, five and six, one and two, thence in the same direction to Wood creek, thence westerly along the said Wood creek and the southerly side of Oneida lake to the east boundary line of the county of Onondaga thence southerly along the east boundary line of the said county of Onondaga, to the place of beginning shall be and hereby is erected into a separte town by the name of Cazenovia, and the first town meeting of the said town of Cazenovia, shall be held at the dwelling house of John Linclae in said town.

Paris;
Cazenovia.

And be it further enacted That from and after the first Monday in April aforesaid all that part of the town of Paris aforesaid comprehending the second, third fourth and fifth townships being a part of the twenty townships as surveyed and laid out by the surveyor general of this State, shall be and hereby is erected into a separte town by the name of Hamilton and that the first town meeting of the said town of Hamilton shall be held at the dwelling house of Elisha Paine in said town. And that all that part of the said town of Paris comprehending the eighth and ninth part of the said twenty townships as surveyed and laid out by the surveyor general aforesaid shall be and is hereby erected into a separte town, by the name of Sherburne and that the first town-meeting of the said town of Sherburne shall be held at the dwelling house of Timothy Hatch in said town. And that all that part of the said town of Paris comprehending a part of the seventeenth together with the eighteenth and nineteenth of the aforesaid twenty townships shall be and is hereby erected into a separte town, by the name of Brookfield and that the first town meeting of the said town of Brookfield shall be held at the dwelling house of Daniel Brown in said town. And that all that part of the said town of Paris comprehending the twentieth of the said twenty townships together with all that part of the said town of Paris lying between the said twentieth township and the town of German Flatts and south of a line running due east from the north-east corner of the said twentieth township to the said town of German Flatts shall be and hereby is erected into a separte town by the name of Sangerfield and that the first town meeting of the said town of Sangerfield shall be held at the dwelling house of Zera Phelps in said town.

Hamilton.

Sherburne.

Brookfield.

Sanger-
field.

And be it further enacted That the remaining parts of the respective towns of Paris and Whites-Town shall be and remain separte and distinct towns by the names of Paris and Whites-Town respectively.

Paris and
Whites-
town.

And be it farther enacted, That the freeholders and inhabitants of each of the respective towns hereby erected, shall be and hereby are empowered to hold town-meetings and elect such town officers as the freeholders and inhabitants of any town in this State may do by law, and that the freeholders and inhabitants of each of the said towns respectively and the town officers to be by them elected, shall have the like powers, and privileges, and be subject to the like regulations and penalties as the freeholders inhabitants, and town officers of the other towns in this State are entitled and subject to by law.

Powers,
etc., of
towns.

And be it further enacted That as soon as may be after the first Tuesday of April next the supervisors and overseers of the poor of the towns aforesaid shall by notice to be given for that purpose by the

Division of
the poor.

supervisors of the towns aforesaid meet together and apportion the poor maintained by the said towns previous to the division thereof between the said former towns and the town erected into a separate town in an equitable manner and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid then and in such case the supervisors of the county of Herkemer shall at their next meeting apportion and divide the poor maintained as aforesaid in such manner as shall appear to them most just and equitable and the said towns thereafter respectively shall maintain their own poor.

CHAP. 17.

AN ACT to amend an act entitled An act relative to the Indians resident within this State.

PASSED the 5th of March, 1795.

St. Regis
Indians,
relative to.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this State, either by himself, or by such agent or agents as he shall thereunto appoint, to make such agreement and arrangements with the Indians of St. Regis, or with the representatives of the said Indians respecting their claims to any lands within this State, or any part or parts thereof as shall tend to ensure their good will and friendship to the people of the United States, and to extinguish any and every such claim, and in such manner as he or such agents so to be appointed may think proper, but no such agreement or arrangement by such agents shall be valid unless ratified and confirmed by the person administering the government of this State, any thing in the act entitled "An act relative to the Indians resident within this State" passed the 27th of March 1794, to the contrary hereof notwithstanding.

CHAP. 18.

AN ACT allowing an annual salary to the secretary of this State.

PASSED the 10th of March, 1795.

Preamble. WHEREAS it is deemed expedient that all permanent officers of government should be supported and maintained in the same mode and upon the same principles according to the magnitude of their trust and importance.

And whereas the secretaries office is now supported and maintained by perquisites a mode different from the other permanent offices. Therefore,

Secretary
of State,
annual
salary of
£800 al-
lowed to.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That from and after the first day of July next there shall be allowed and paid to the secretary of this State in lieu of all perquisites and allowances whatever made to him by any former acts of the legislature an annual salary at and after the rate of six hundred pounds to be paid to him in quarterly payments in like manner as the salaries of the several officers of government are directed to be paid in

and by the act entitled An act for the support of government passed the eleventh day of April in the year of our Lord one thousand seven hundred and ninety two, and also the amount of the necessary expenses of his office provided they do not exceed in any one year the sum of five hundred pounds to be allowed in the same manner as the expenses of the office of the treasurer of this State for the time being are directed to be allowed in and by the aforesaid act ; and to be paid by the said treasurer to the said secretary ; and in addition thereto the said secretary shall be entitled to the use and occupation of the house now in his possession the property of which is vested in the people of this State in the same manner as he has heretofore used and possessed the same.

And be it further enacted, That the said secretary shall continue to receive all such fees as he is or shall from time to time be by law permitted to take, and shall keep an account thereof, and shall exhibit such account quarterly to the auditor of this State, who having examined and filed the same in his office shall certify to the treasurer the amount thereof, and the said secretary shall pay the same to the treasurer.

Fees to be paid into treasury.

Provided nevertheless That no fee shall hereafter be charged or taken for any civil or military commission whatsoever.

And whereas the house now occupied by the secretary of this State is out of repair. Therefore

Be it further enacted That there shall be paid by the treasurer of this State out of any monies in the treasury not otherwise appropriated to the said secretary a sum not exceeding three hundred pounds to be by him expended in repairing said house in such manner as he shall think necessary for its preservation and that he shall account for the same with the auditor of this State.

Repairs to house occupied by secretary.

CHAP. 19.

AN ACT for dividing the town of Rensselaer-Ville in the county of Albany.

PASSED the 17th of March, 1795.

Be it enacted by the People of the State of New York represented in Senate and Assembly That from and after the Monday preceding the first Tuesday of April next, all that part of the town of Rensselaer Ville in the county of Albany beginning at the north west corner of the manor of Rensselaerwyck, and running thence along the west bounds of the said manor, southerly to the north west corner of lot number three hundred and forty nine, then easterly along the tier of lots to the north east corner of lot number three hundred and seventy two then northerly to the north east corner of lot number eight hundred and thirty two then with a straight line till a course north twenty six degrees west intersects the Boza Kill, then along the said kill or creek north westerly as it runs to where the said manor line intersects the same, then westerly along the northerly bounds of said manor to the place of beginning shall be and hereby is erected into a separate town by the name of Bern and that the first town meeting in the said town of Bern shall be held at the dwelling house of Johannis Fisher in the said town.

Town of Berne erected from part of Rensselaerville.

And be it further enacted, That all the remaining part of the town of Rensselaer-Ville shall continue to be and remain a separate town by the name of Rensselaer Ville and that the first town meeting of the said town shall be held at the dwelling house of David Crocker esquire in the said town,

Rensselaerville, town of.

Powers,
etc., of
towns.

And be it further enacted That the freeholders and inhabitants of the said towns respectively shall be, and hereby are empowered to hold town meetings and elect such town officers and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

Division of
the poor.

And be it further enacted That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid shall by notice to be given for that purpose by the supervisors of the towns aforesaid meet together and apportion the poor maintained previous to the division thereof, between the said towns, in an equitable manner. And if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid then in such case, the supervisors of the county of Albany shall at their next meeting apportion and divide the poor maintained as aforesaid in such manner as shall appear to them just and equitable and the said towns thereafter respectively shall maintain their own poor.

CHAP. 20.

AN ACT to divide the town of Rensselaerwyck, in the county of Rensselaer.

PASSED the 17th of March, 1795.

Towns of
Greenbush
and Scho-
dack
erected
from Rens-
selaer-
wyck.

Be it enacted by the People of the State of New York, represented in Senate and Assembly That all that part of the town of Rensselaerwyck, bounded as follows. Beginning at the south west corner of the town of Troy and running thence easterly along the southern boundary line of the said town, to the western bounds of the town of Petersburg thence southerly along the western bounds of the towns of Petersburg and Stephen Town six hundred and thirty two chains thence south eighty six degrees and forty eight minutes west as the needle now points unto Hudsons river thence northerly along the said river to the place of beginning, and including such of the islands in the said river as are nearest the east side thereof and are adjacent to the said last mentioned line shall, from and after the first Monday in April next, be erected into a separate town, by the name of Greenbush and that the first town meeting in Greenbush shall be held at the dwelling house of David M. De Forest in the said town and that all the remaining part of the town of Rensselaerwyck shall be, and remain a separate town by the name of Schodack and that the first town meeting in the town of Schodack shall be held at the dwelling house of John I. Miller in the said town.

Powers,
etc., of
towns.

And be it further enacted That the freeholders and inhabitants of the said towns respectively shall be and hereby are empowered to hold town meetings and elect such town-officers, and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

Division of
the poor.

And be it further enacted That as soon as may be after the first Tuesday of April next the supervisors and overseers of the poor of the towns aforesaid shall by notice to be given for that purpose by the supervisors of the said towns meet together and apportion the poor maintained by the said town of Rensselaerwyck previous to the division thereof between the said town of Schodack and the town of Greenbush in an equitable manner and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid then and in

such case the supervisors of the county shall at their next meeting apportion and divide the poor maintained as aforesaid, in such manner as shall appear to them or a majority of them just and equitable and the said towns shall thereafter respectively maintain their own poor.

CHAP. 21.

AN ACT to divide Fredericks-Town and Southeast-Town in Dutchess county into four towns.

PASSED the 17th of March, 1795.

Be it enacted by the People of the State of New York, represented in Senate and Assembly That, all that part of Fredericks-Town lying west of the east line of, Philips's long lot and south of a line to begin at a point in the west bounds of Fredericks-Town six miles from the north bounds of the county of West-Chester and running north eighty seven degrees and thirty minutes east to the State of Connecticut shall be erected into a separate town by the name of Carmel and the first town meeting in the said town of Carmel shall be held at the dwelling house of John Crane esquire in said town. That all those parts of Fredericks-Town and Southeast-Town lying east of the said east line of Philips's long lot, and south of the above mentioned line, beginning at a point in the west bounds of said Fredericks-Town six miles from the north bounds of the county of West-chester and running north eighty seven degrees and thirty minutes east, and continued to the State of Connecticut shall be erected into a separate town by the name of South-East and the first town meeting in the said town of South-East, shall be held at the dwelling house of Zalmon Sanford in the said town. That all those parts of Fredericks-Town and Southeast Town lying east of the said east line of Philips's long lot and north of the above mentioned line beginning at a point in the west bounds of said Fredericks-Town six miles from the north bounds of the county of West Chester and running north eighty seven degrees and thirty minutes east and continued to the State of Connecticut shall be erected into a separate town, by the name of Franklin and the first town meeting in the said town of Franklin shall be held at the dwelling-house of James Philips in the said town. And that all the remaining part of Fredericks-Town, shall remain and continue a separate town by the name of Frederick and the first town meeting in the said town of Frederick shall be held at the dwelling house of the widow Boyd in the said town.

And be it further enacted That the towns herein before mentioned to be divided shall be considered as divided from and after the first Monday in April next and that the freeholders and inhabitants of the said towns respectively shall be and hereby are empowered to hold town meetings and elect such town officers as the freeholders and inhabitants of the other towns of this State elect by a law entitled An act for dividing the counties of this State into towns passed 7th March 1788 and that the town officers to be by them elected shall have the like powers and privileges as the freeholders and inhabitants and town officers of any other town in this State may exercise by the law aforesaid.

And be it further enacted That as soon as may be after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, shall by notice to be given for that purpose by the

supervisors of the towns aforesaid meet together and apportion the poor maintained by the said towns previous to the division thereof, between the said former towns and the towns erected by this act into separate towns in an equitable manner; and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid then and in such case the supervisors of the county shall at their next meeting apportion and divide the poor maintained as aforesaid in such manner as shall appear to them most just and equitable, and the said towns shall thereafter respectively maintain their own poor.

CHAP. 22.

AN. ACT for erecting a part of the towns of Canaan and Kinderhook in the county of Columbia into a new-town.

PASSED the 17th of March, 1795.

Chatham,
town of,
erected.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the first Monday in April next all those parts of the towns of Canaan and Kinderhook in the county of Columbia situate within the following bounds; beginning at a point where the southern boundary line of the county of Rensselaer intersects the Latches Vlackie creek and running thence southerly through the middle of the said creek to the little lake, thence, southerly in a direct line through the great fish lake to the Gardinier point, at the south end of said lake, thence southerly in a direct line to the bridge on the Kline Kill creek a little east of the house of Cornelius Van Schaack thence southerly along the said creek to the southernmost point of the great bend opposite the house formerly belonging to Myndert Vosburg deceased thence southerly in a direct line towards the house of Harman Hoffman until it intersects the northern boundary line of the town of Claverack thence easterly along the northern boundary line of the town of Claverack unto the north east corner thereof thence easterly along the northern boundary line of the town of Hillsdale three miles and from thence northerly in a direct line to the southern boundary line of the county of Rensselaer to a point three miles east from the north east corner of the present town of Kinderhook thence westerly along the said southern boundary line of the county of Rensselaer to the place of beginning shall be and the same is hereby erected into a new town by the name of Chatham.

Powers,
etc., of
town.

And be it further enacted That the first town meeting in the said town shall be held at the house of Ebenezer Crocker. And that the freeholders and inhabitants of the said town shall be and hereby are empowered to hold town meetings and elect such town officers as the freeholders and inhabitants of any town in this State may do by law and that the freeholders and inhabitants of the said town and the town officers to be by them elected shall have the like powers and privileges and be subject to the like regulations and penalties as the freeholders and inhabitants and town officers of the other towns of this State are entitled and subject to by law.

Division of
the poor.

And be it further enacted That the poor belonging to the said towns of Kinderhook and Canaan previous to this division shall be divided among the said towns of Kinderhook Canaan and Chatham in proportion to the wealth of the inhabitants of the said towns respectively, to be estimated by the last annual tax lists and the overseers of the poor and

the supervisors of the said towns or a majority of them shall meet within ten days after the annual town meeting for the year one thousand seven hundred and ninety five at the dwelling house of Ebenezer Crocker in the said town of Chatham and make such division aforesaid: and the said towns respectively shall thereafter maintain their respective poor.

And be it further enacted That the contingent charges and the expence of the towns that have already arisen or shall arise before the first Monday in April next shall be assessed levied and paid in the same manner as if this act had not been passed Contingent charges.

And be it further enacted That none of the bounds or lines by this act assigned for the limits of any or either of the said towns shall be deemed to take away abridge destroy or affect the right or title of any person or persons bodies politic or corporate in any manner or by any means whatsoever. Rights not affected.

CHAP. 23.

AN ACT for adding an additional term of the court of common pleas for the county of Ontario and for other purposes therein mentioned.

PASSED the 17th of March, 1795.

WHEREAS in and by an act entitled An act to erect a part of the county of Montgomery into a separate county by the name of Ontario it is enacted that there shall be held in and for the said county a court of general sessions of the peace and a court of common pleas at such suitable and convenient place within the said county as such judges of the court of common pleas and such justices of the court of sessions as shall be appointed for the said county or a majority of them may direct. *And also* that there shall be two terms of the said courts held in and for the said county. Preamble.

And whereas it is found that two terms of the court of common pleas are not sufficient for dispatching the business of the said county. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That there shall be an additional term of the court of common pleas held in and for the county of Ontario on the third Tuesday in February in every year and that the said court may continue and be held until the next Saturday following inclusive *provided* that the said court may adjourn previous to the time limited for the termination thereof if the business of the said court will permit. Ontario county, courts in.

And whereas it is represented to the legislature that the inhabitants of the said county have built a court house in the town of Canadaquai for the holding of the courts of the said county. Therefore

Be it further enacted That the said courts of general sessions of the peace and courts of common pleas hereafter to be held in and for the said county of Ontario shall be held at the said court house in the town of Canadaquai aforesaid and that all writs and other process already issued or to be issued previous to the first Tuesday in June next and returnable on the said first Tuesday in June in the said court be returned at the said court house in the town of Canadaquai as aforesaid and that no proceedings of the said court shall be affected or discontinued by the removal of the said courts from the place where the same are now held to the court house aforesaid. Where held.

CHAP. 24.

AN ACT declaring the place from which mileage fees in the county of Tioga shall be computed.

PASSED the 17th of March, 1795.

Place from
which
mileage
fees
charged.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the sheriff of the county of Tioga shall from and after the first day of May next compute and receive mileage fees from the bridge commonly called the Nanticoke bridge, in the town of Union in the said county of Tioga and from no other place.

CHAP. 25.

AN ACT for relief of the Protestant Episcopal church in the State of New York.

PASSED the 17th of March, 1795.

Preamble.

WHEREAS the Protestant Episcopal church in this State, by the petition of the standing committee of its convention hath represented, that the act, entitled An act to enable all the religious denominations in this State to appoint trustees, who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations and for other purposes therein mentioned passed 6th April 1784 directs a mode of incorporation which exposes it to a variety of difficulties, leaving the congregations not incorporated by charter to the alternative of foregoing the benefit of incorporation, or submitting to an entire alteration and subversion of the usual and peculiar government of the respective congregations of said church. For remedy whereof

Meetings of
congrega-
tion to
elect ward-
ens and
vestrymen.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That from and after the passing of this act, it shall and may be lawful to and for the male adult persons of any congregation or church in communion of the Protestant Episcopal church in the State of New York, at any time to meet for the purpose of incorporating themselves under this act, and for that purpose by a majority of voices to elect and choose two church wardens and eight vestry men and also to determine on what day in the week, called Easter week, the said offices of church-wardens and vestry men shall yearly for ever thereafter cease, and their successors in office be elected and chosen; and also what shall be the name stile or title by which their church or congregation shall thereafter be known and recognized by law; and notice shall be given in the time of morning service on two Sundays previous to said election by the rector or any other person and that the rector if there be one, or if the church or congregation have no rector, or he be necessarily absent, then one of the church-wardens or vestry men, or trustees or any other person called to the chair, shall preside at such first election, and together with two other persons shall make a certificate under their hands and seals, of the church wardens and vestry men so elected, of the day of Easter-week so fixed on for the yearly election of their successors, and of the name, stile or title by which the said church or congregation shall be in law recognized and known, which certificate, after having been duly proven or acknowledged by the persons making the

same, before one of the judges of the court of common pleas in the county, shall be forthwith left at the office of the clerk of the county for the time being to be by him recorded, in the book kept by him for the records of the incorporation of religious denominations, as ordered by the act for that purpose passed 6th April 1784 for which service a fee of six shillings may be taken and no more.

And be it further enacted That the church wardens and vestrymen, and their successors, so elected and chosen from year to year, shall of themselves, but if they have a rector, then together with the rector shall form a vestry, which vestry shall be to all intents and purposes a body corporate and enjoy and exercise all the powers, rights and privileges granted to the trustees by the fourth fifth and sixth sections of the act entitled "An act to enable all the religious denominations in this State to appoint trustees who shall be a body corporate for the purpose of taking care of the temporalities of their respective congregations and for other purposes therein mentioned," but no board of vestry shall be competent to transact any business unless the rector for the time being if the church or congregation has one, and at least one of the church wardens and a majority of the vestrymen be present.

Powers,
etc., of
wardens
and ves-
trymen.

And be it further enacted That whenever there shall be any vacancy or vacancies in the said vestry by by* death or otherwise, notice shall be given in the time of divine service at least ten days before the day of election, which the vestry shall have appointed, for supplying the said vacancy or vacancies and such election, and also the stated annual elections in easter week, shall be holden immediately after morning service, and at all such elections the rector or in want or absence of the rector one of the church wardens or vestrymen shall preside, and receive the votes of electors and be the returning officer, and shall enter the proceedings in the book of minutes of the vestry, and sign his name thereto and offer the said proceedings to as many of the electors present as he thinks fit, to be by them signed and certified.

Vacancies,
how filled.

And be it further enacted That the persons qualified to vote at all such elections shall be all such male adult persons, as shall have belonged to such church or congregation, for the last twelve months at least preceding such election. *Provided always* that they shall have been baptized in the Episcopal church or shall have been received into the said church either by the right of confirmation or by receiving the holy communion or by purchasing or hireing a pew or seat in such church, or by some other joint act of the parties and of the rector whereby they shall have attached themselves to the Protestant Episcopal church.

Qualifica-
tion of
voters.

And be it further enacted That the church wardens and vestrymen, to be annually elected by virtue of this act shall hold their offices from the time of their election for one year and until others shall be duly chosen in their respective places. And that every church warden and vestryman chosen to fill any vacancy happening between the annual elections shall hold his office from the time of his election until the next annual election and until another shall be chosen in his place.

Term of
office.

And be it further enacted That no board of vestry shall be holden unless after three days notice under the hand of the rector or any one of the church wardens and at all such meetings of the vestry the rector shall preside and have the casting vote or in case the church or congregation have no rector then the church warden present, or if both the church wardens be present then the church warden who shall be called to the chair by a majority of voices.

Notice of
meetings;
casting
vote.

* So in original.

Rector,
calling of.

And be it further enacted That the church wardens and vestrymen for the time being of every such congregation or a majority of them shall be and hereby are vested with full power to call and induct a rector to the church when and as often as there shall be any vacancy therein.

Section of
act recited
binding.

And be it further enacted That the twelfth and thirteenth sections of the before mentioned act passed April 6th, 1784 shall be as binding on the vestries of the respective churches or congregations incorporated by this act as upon the trustees incorporated by it.

Act not to
affect
rights of
commerce.

And be it further enacted That nothing in this act contained, shall be construed adjudged or taken to abridge or affect the rights of conscience or private judgment, or in the least to alter or change or interfere with the religious constitutions or governments of any churches or congregations whatsoever so far as respects or in any wise concerns their doctrine discipline or worship.

CHAP. 26.

AN ACT to raise a sum of money for defraying the expense incurred in building the court house and gaol in the county of Herkemer.

PASSED the 24th of March, 1795.

Preamble.

WHEREAS the supervisors of the county of Herkemer have by their petition requested the legislature to pass a law to enable the supervisors of said county to raise and levy on the freeholders and inhabitants of the said county a further sum of money for the purpose of defraying the expenses which have already accrued in the building of the court house and gaol of said county. Therefore

Herkimer
county, -
tax levy
for court-
house and
jail.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful to and for the supervisors of the county of Herkemer or a majority of them to meet at the court house in said county on the last Tuesday in May next or within thirty days thereafter and examine and ascertain what sum of money has been already expended in purchasing materials for and towards building the court house and gaol in said county by the commissioners heretofore appointed for that purpose and if upon the examination of the accounts of said commissioners relative to the said court house and gaol it shall appear to the supervisors or a majority of them that more money has already been actually expended by the said commissioners towards the object aforesaid than the sum heretofore directed by law to be raised by tax on said county then the said supervisors shall audit and allow the ballance on the accounts of said commissioners and shall order to be raised by further tax on said county in like manner as other contingent charges are raised a sufficient sum to discharge the ballances so found due with the addition of nine pence on the pound for collecting the same and the further sum of three pence in the pound hereafter allowed to the treasurer of the said county and the said supervisors are required to issue their warrants for that purpose requiring the several collectors to collect and pay the same to the treasurer of said county on or before the first day of October next which money so raised and collected shall be paid by the said county treasurer to the said commissioners or to their order.

Fees of
treasurer.

And be it further enacted That it shall be lawful for the treasurer of said county to retain in his own hands the sum of three pence in the pound for his trouble in receiving and paying out the monies directed to be raised by this act.

CHAP. 27.

AN ACT concerning sheriffs.

PASSED the 24th of March, 1795.

WHEREAS by the constitution of this State it is ordained that sheriffs and coroners be annually appointed; and that no person shall be capable of holding either of the said offices more than four years successively, nor the sheriff of holding any other office at the same time; and that where the duration of any office is not ascertained by the constitution, such office shall be construed to be held during the pleasure of the council of appointment; and whereas it has frequently happened that the sheriff of a county has not been re-appointed, nor any new sheriff appointed until long after the expiration of a year from the time of the next preceding appointment of such sheriff. And whereas the practice for such sheriff to continue in the execution of his office beyond the time limited by the constitution, to do and execute all the duties thereof until a new sheriff was appointed, commissioned and qualified, has been drawn into question. In order therefore to prevent any mischief that may arise.

Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby declared by authority of the same, That it is, and shall be lawful for every sheriff in this State, who now is, or hereafter shall be appointed and commissioned as sheriff, and has taken or shall take upon himself the said office, to continue in and to do, execute and perform all the duties of the said office until a new sheriff shall be appointed and commissioned in his place, and shall have delivered to him a writ or discharge if he shall be found in the county, and if not, shall have filed the same in the office of the clerk of the county; but it shall nevertheless be the duty of the person administering the government of the State for the time being, by and with the advice and consent of the council of appointment annually to appoint sheriffs and coroners according to the constitution of this State.

Sheriff to hold office until successor is appointed.

And be it further enacted by the authority aforesaid, That all commissions to sheriffs shall be in this form, to wit, "The people of the State of New York; to all to whom these presents shall come greeting: Know ye that we have committed to our well beloved A. B. our county of W." or, "our city and county of N. (as the case may be) with the appurtenances, to keep during the pleasure of our council of appointment. In testimony whereof we have caused these our letters to be made patent and the great seal of our State to be hereunto affixed," and shall be tested or witnessed in the usual form. And that the writ of discharge shall be issued at the same time and be delivered to the new sheriff with his commission, and shall be in the form following, to wit, "The people of the State of New York, to all to whom these presents shall come greeting: Whereas we have committed to our well beloved "A. B." our county of "W." or "our city and county of "N." (as the case may be) with the appurtenances to keep during the pleasure of our council of appointment, therefore we command "C. D." late sheriff of the county aforesaid" or "of the city and county aforesaid" (as the case may be) "that by indenture thereof in due manner to be made, he deliver to the same "A. B." "the county aforesaid" or "city and county aforesaid" (as the case may be) "with the appurtenances, together with the rolls writs memorandums, and all other things touching that office

Form of commission.

Form of discharge.

which are in his custody, to keep in form aforesaid." And such writ of discharge shall be tested in the same manner as the said commission is tested, and be sealed with the great seal of this State.

Under
sheriff;
coroners
to act when
no sheriff
or under
sheriff.

And be it further enacted by the authority aforesaid, That the sheriff of each respective county in this State shall as soon as may be after he takes upon himself that office, by writing under his hand and seal, make some proper person under sheriff of the same county during the pleasure of such sheriff, and as often as any such under sheriff shall die or be removed from his office, or move out of the county, or become incapable of executing the office, another shall be appointed in his place in the manner aforesaid, and every such deputation, or appointment, shall be recorded in the office of the clerk of the county; and in case of the death of the sheriff of any county, the under sheriff of the same county for the time being, shall in all things execute the office of sheriff of the same county in the name of the deceased sheriff until another sheriff shall be appointed and commissioned, and shall take upon himself the said office; and the defaults and misfeasances in office of such under sheriff in the mean time as well as before, shall be adjudged a breach of the condition of the bond of security given by the sheriff who appointed him, and the executors or administrators of the deceased sheriff shall have the like remedies for the defaults and misfeasances in office of such under sheriff happening during such interval, as such sheriff would have been intitled to if he had lived and continued in the exercise of the office until his successor was appointed and commissioned and had taken upon himself the said office; and in case there should be no such under sheriff of any county at the time of the death of the sheriff of any county, or if such under sheriff should die, or move out of the county, or become incapable of executing the office before another sheriff of the same county shall be appointed and commissioned, and have taken upon himself the said office, then and in every such case the coroner or coroners, if there shall be more than one in such county, shall in all things execute the office of sheriff of the same county, until a sheriff thereof shall be appointed and commissioned, and shall take upon himself the said office. And in every case of the death of a sheriff, the writ of discharge shall be delivered by the new sheriff to the under sheriff of the said county, if there be any, and if not, then to one of the coroners of the same county, or filed in the office of the clerk of the same county, and the new sheriff shall in all cases be considered as sheriff of the same county from the time of such delivery or filing the writ of discharge as aforesaid and not before. *Provided always.*

Deputies,
appoint-
ment of.

And be it further enacted by the authority aforesaid, That nothing in this act contained shall be construed to prevent any sheriff from appointing such and so many deputies as he may think proper besides the under sheriff. *And further,* that no person who may at any time be authorized or deputed by any sheriff to do a particular act only, shall be obliged on that account to take the oath required to be taken by the deputies of sheriffs by the act entitled "An act requiring all persons holding offices or places under the government of this State to take the oaths therein mentioned."

CHAP. 28.

AN ACT for the better extinguishing fires in the town of Brooklyn in Kings county.

Passed the 24th of March, 1795.

Be it enacted by the people of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, Brooklyn, firemen to be appointed for.
That it shall and may be lawful for the freeholders and inhabitants of the town of Brooklyn in Kings county, having a right to vote at town meetings and residing near the ferry within a line to begin at the east river opposite to and to be drawn up the road that leads from the still house late the property of Philip Livingston deceased and including the same still house and the other buildings on the south side of the same road to and across the road leading from Bedford, south of the house of John B. Johnson and from thence north easterly including all the houses on the east side of the road last mentioned, to and including the house and mills of John Jackson at the east river aforesaid, and from thence down the east river to the place of beginning, to assemble together on the second Tuesday in May next at the public school house in the said district, on every second Tuesday in May in every year thereafter at such place as shall be agreed on by a majority of votes at their last meeting, and then and there by a majority of the votes of those so met and having a right to vote, choose so many able bodied and discreet men residing within the limits aforesaid, as a majority of those so met shall think proper, not exceeding thirty in the whole, to have the custody care and management of the fire engine or engines and the other tools and instruments for extinguishing fires within the limits aforesaid, and all or any of the persons so by them to be chosen from time to time at any such meeting, to remove or displace, and any other person or persons in his or their place and stead to choose as aforesaid, and that the persons so to be chosen, shall be called "The Firemen of Brooklyn" and shall be ready at all times as well by night as by day, to manage, work and exercise the same fire engine or engines, and the other tools and instruments aforesaid, and shall be subject to such rules, orders and regulations as the freeholders and inhabitants residing within the said district, and having a right to vote as aforesaid, shall at such meeting from time to time make and establish for the better government of the said firemen, and likewise at every such meeting, to choose in manner aforesaid, a proper person residing within the said district, to be their clerk, whose duty it shall be, to enter all the names of such persons chosen firemen as aforesaid in a book to be by him provided and kept for that purpose, and to make an entry, of all the proceedings in the said book at every such meeting; and likewise that a majority of the freeholders and inhabitants at their meetings as aforesaid are hereby impowered to direct and require the inhabitants and owners of houses to provide themselves with such and so many fire buckets to be ready in their respective houses for the purpose of extinguishing fires which may happen in the said district, and to impose such reasonable fines and penalties for every neglect default or disobedience of such rules and regulations or deficiency of buckets as a majority of the said freeholders at their said meetings as aforesaid shall think proper, which fines penalties and forfeitures shall be recovered before any justice of the peace in and for the said county by the said clerk in an action of debt with costs in his

own name and when recovered shall be applied towards keeping in repair the said fire engines and tools thereunto belonging.

**Exemption
of firemen.**

And be it further enacted by the authority aforesaid, That every person so to be chosen a fireman as aforesaid, shall be and is hereby declared to be during his continuing as a fireman, and no longer, exempted and privileged from serving in the office of overseer of the highways or constable, and from being impaneled on any jury or inquest, and from militia duty, except in cases of invasion or other imminent danger, and a certificate from the clerk aforesaid shall be sufficient evidence of such privilege and exemption.

**Raising of
money.**

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the freeholders and inhabitants of the said town of Brooklyn residing within the limits aforesaid, or a majority of them so entitled to vote as aforesaid at any such meeting, to direct such sum or sums of money as they shall deem necessary and proper for repairing the fire engines and other instruments for extinguishing fires now provided or hereafter to be provided within the said district, to be raised levied and collected from the freeholders and inhabitants residing within the said district at the same time and in the same manner as the monies for the maintenance of the poor within the town of Brooklyn are by law directed to be raised and collected and agreeable to the assessors tax-list in the said town for the time being, and the said monies when collected to be paid into the hands of the said clerk to be by him paid and applied for the purposes aforesaid, at such time and in such manner as the major part of such firemen shall from time to time direct & appoint.

**Act recited
repealed.**

And be it further enacted by the authority aforesaid That the act passed the fifteenth day of March one thousand seven hundred and eighty eight entitled "An act for the better extinguishing fires in the town of Brooklyn in Kings county" shall, from and after the passing of this act, be, and the same is hereby repealed.

CHAP. 29.

AN ACT concerning the legacy bequeathed by David Jones for the benefit of a charity school.

PASSED the 24th of March, 1795.

Preamble.

Whereas David Jones late of Fort Neck in Queens county deceased in and by his last will and testament did give and bequeath unto the charge and care of the church wardens of the parish of Hempstead in Queens county aforesaid for the time being, and to the charge and care of their successors for ever annually chosen by virtue of the act entitled An act for settling a ministry, and raising a maintenance for them in the city of New York, county of Richmond, Westchester and Queens county the sum of three hundred pounds current money of New York, to be lent out on interest on good land security, and the said interest annually applied for ever in the education and instruction of such poor children belonging to the town of Oyster Bay as the said church wardens for the time being shall deem proper objects of charity, the said church wardens once in every year, on the first Tuesday in May to deliver unto the vestry of the parish of Hempstead annually elected by virtue of the said act, a just, true and circumstantial account on oath of all their pro-

ceedings in relation to the disposition and application of the said interest money, and how and to whom the principal sums are lent and to take the directions of the said vestry with respect to their further proceedings therein; and although the executors of the said last will and testament or some or one of them offered to pay the said legacy, yet no person applied for payment thereof, and the same remains unpaid. *And whereas* the said executors are dead and administration of the goods chattels and credits which were of the said David Jones at the time of his death not administered by his executors, has been committed with his said will annexed unto Samuel Jones and Samuel Clows who it is suggested will probably soon have assets in their hands sufficient to pay the said sum of three hundred pounds, but the act mentioned in the said bequest having been repealed, there is not any person authorized to receive the same; in order therefore that the intentions of the testator may be carried into execution.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said administrators to pay the said three hundred pounds to the overseers of the poor of the said town of Oysterbay for the time being or either of them, whose receipt for the same shall be a sufficient discharge to the said administrators for the said legacy. And the said overseers of the poor of the said town of Oysterbay and their successors are hereby directed and required to lend out the said sum of three hundred pounds at interest on good land security, and to apply the said interest annually for ever in the education and instruction of such poor children belonging to the said town of Oysterbay as the said overseers of the poor of the said town of Oysterbay for the time being shall deem proper objects of charity, and once in every year on the last Tuesday in March in every year to deliver to the town clerk and supervisor for the time being of the said town of Oysterbay and such justice or justices of the peace as may reside in the said town of Oysterbay or such of them as shall then meet to examine and audit the accounts of the overseers of the poor of the said town of Oysterbay, a just true and circumstantial account on oath of all their proceedings in relation to the disposition and application of the said interest money, and how and to whom the principal sums are lent; and the said town clerk supervisor and justice or justices shall make a report thereof to the then next town meeting, to be held in the said town of Oysterbay; and the said town meeting may give such directions with respect to the further proceedings of the said overseers therein as the major part of the freeholders and inhabitants of the said town then met may deem proper or necessary.

Legacy to be paid to overseers of the poor of Oysterbay; how expended.

CHAP. 30.

AN ACT for the relief of Nathaniel Mallory and others.

PASSED the 24th of March, 1795.

WHEREAS Nathaniel Mallory, David Ward, Daniel Ray, Newill Reynolds, Elias Wilson, Cyrus Wilson, Nathan Warren, Leonard Owen, Charles Owen, David Clemons, Jonas Gibbs junior, Joel Clemons, John Gibbs, John Young, Edward Everit, Thaddeus Owen, Mosley Wood, Theophilus Clark, Nathan Ford, Uriah Hancock, Daniel Hamblin, Lar-

Preamble.

ned Lamb, Jabisk Warren, Zaccheus Mallory, John Pray, Justin Narremore, John Blanchard, Isaac Finch junior, James Finch, Zaccheus Palmer, Zephania Palmer, David Mallory, Ebenezer Ward, Robert Everit and Nathan Baldwin, have by their petition represented to the legislature, that some of them are now living on, and others of them have lately begun to make improvements on, lands belonging to the people of this State in the county of Clinton under promises from sundry persons to lay locations on the said lands, but who have since laid them on other lands, so that without legislative relief they must lose their improvements. Therefore

Tract to be
laid out
and grant-
ed: mort-
gages.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office, to cause to be surveyed and laid out for the said petitioners one entire tract as near in a square as local circumstances will admit of not less than seven thousand nor more than ten thousand acres of the vacant and unappropriated land belonging to the people of this State, so as to include their present improvements, and shall cause letters patent under the great seal of this State to be issued for the same to the surveyor general of this State and his heirs, in trust for the petitioners and their heirs; and that the surveyor general shall cause the said tract to be divided among the said petitioners, allotting to each of them an equal quantity as nearly as may be, and so as to include his own improvements, and upon either of the petitioners paying to the surveyor general, six shillings for each acre of the land so allotted to such petitioner, together with an equal proportion of the expence of such surveying and dividing the said tract, and of suing out the said letters patent, and the whole expence of the conveyance to be made to him, the surveyor general shall execute and deliver a conveyance of the said land so allotted to such petitioner, to him and his heirs and assigns for ever; but if any or either of them incline to mortgage their said lands, to secure the payment of the price of the land and the said expences, the said surveyor general shall upon executing every such conveyance to every such person, take a mortgage of the same land from such person in the form hereinafter prescribed, to secure the payment of the said money including also the expence of such mortgage and of proving and registering the same, and shall cause every such mortgage to be proved or acknowledged, and registered according to law, and then deliver the same to the treasurer of this State.

Appropri-
ation for
expenses.

And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of this State, and he is hereby directed to pay to the surveyor general a sum not exceeding one hundred pounds to enable him to execute and perform the duties required of him by this act.

Form of
mortgage.

And be it further enacted by the authority aforesaid, That the mortgages to be taken by virtue of this act, shall be in the following form, that is to say, "This indenture made the day of in the year of our Lord one thousand seven hundred and ninety between of of the first part and the people of the State of New York of the second part witnesseth that the said for and in consideration of the sum of to him in hand paid for and in behalf of the people of the State of New York, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain sell, release and confirm unto the people of the State of New York, all that together with all manner of improvements, hereditaments and appurtenances t

the same belonging or in any wise appertaining, and all the estate, right, title, interest claim and demand whatsoever of the said of in and to the said premises, and of in and to every part thereof, to have and to hold all and singular the said premises, hereby intended to be conveyed and every part thereof, with the appurtenances, unto the people of the State of New York for ever. Provided always, That if the said executors administrators or assigns shall pay or cause to be paid unto the treasurer of this State for the time being, for the use of the people of the State, the interest of the said sum of at the rate of six pounds per cent per annum, on the first Tuesday of July yearly and every year, and the said principal sum of with all the interest then due for the same, when the same shall be demanded by the treasurer of this State for the time being for and in behalf of the people of this State at any time after the first Tuesday in July, which will be in the year of our Lord one thousand eight hundred and five, then the above grant bargain and sale, and every article and clause thereof shall be void; but if failure be made in any of the payments abovementioned, then the above bargain and sale is to remain in full force and virtue, and the said for heirs and assigns hereby agrees to be absolutely barred of and from all equity of redemption of the premises after the expiration of one year after such failure and the said for heirs executors and administrators hereby covenant grant and agree to and with the people of the State of New York, that the said heirs executors, or administrators shall and will, well and truly pay the interest of the said sum of at the rate aforesaid, annually on the first Tuesday of July in every year and the said principal sum of with all the interest then due thereon, when demanded as aforesaid after the first Tuesday in July which will be in the year of our Lord one thousand eight hundred and five, according to the proviso or condition aforesaid. In witness whereof the said hath hereunto set hand and seal the day and year first above written," which said mortgages shall be good and effectual in the law, and shall be preferred to all other charges and incumbrances whatsoever on the said lands so mortgaged, made or suffered, or to be made or suffered by such mortgagor.

And be it further enacted by the authority aforesaid, That the surveyor general shall from time to time, account with the auditor of this State for the monies he shall receive and pay in pursuance of this act, and pay the ballance to the treasurer of this State.

Surveyor-general to account with auditor.

CHAP. 31.

AN ACT to enable John B. Coles to raise a dam across Haerlem river and to amend an act entitled "An act for building a bridge across Haerlem river.

PASSED the 24th of March, 1795.

WHEREAS in and by an act entitled An act for building a bridge across Haerlem river " passed March 31st, 1790 Lewis Morris his heirs and assigns were authorised at his and their own expence to build a bridge across Haerlem river agreeably to the directions and dimensions therein specified and for the term of sixty years to ask demand and take for the use of the said bridge a toll not exceeding the rates in the said act mentioned.

Preamble.

And whereas the said Lewis Morris hath assigned his right to build the said bridge and proposals have been made by John B. Coles to the assignees of the said Lewis Morris to raise a dam of stone for the purpose of erecting mills thereon and to be the foundation of the bridge aforesaid. Therefore

Dam authorized across Harlem river.

Be it enacted by the People of the State of New York represented in Senate and Assembly That John B. Coles his heirs and assigns shall be and he and they are hereby authorized to build a dam across Harlem river at such place as is or shall be determined on by the assignees of the said Lewis Morris in pursuance of the act above recited and such dam shall be made of stone, and shall be so constructed as to be the foundation of the bridge aforesaid and for collecting the water of the said river for the use of grist and other mills.

Lock to be constructed.

And be it further enacted That the said John B. Coles his heirs or assigns at his and their own expense shall make and keep in repair a lock and shall provide and keep a sufficient person to attend the same that no unnecessary delay may happen to those who may have occasion to pass through the said lock with boats that the width of said lock be eight feet and so constructed as that a vessel drawing two feet of water may at low water enter such lock and that the length be forty feet.

Damages to be paid to owners of lands overflowed

And be it further enacted That all persons whose meadows and sedges may be injured, damaged or destroyed by the waters so ponded up as aforesaid shall be paid the amount of the damages he she or they may so sustain in the manner following, the amount of the damages that so as aforesaid shall be sustained, shall be determined set and appraised by two justices of the peace and by the oaths of twelve freeholders, not having any interest in the premises and the said freeholders shall be summoned by a constable of the town or ward in which such damages shall have been sustained by virtue of a warrant to be issued by the said two justices of the peace for that purpose on the application of any person sustaining damages as aforesaid the whole of the said damages together with the charges of the said justices and jury and of the whole proceedings thereon had if any damages shall be found shall be paid by the said John B. Coles his heirs or assigns, within thirty days after notice to him or them given of the inquisition so taken as aforesaid.

Penalty for neglect to maintain lock.

And be it further enacted That in case the said John B. Coles his heirs or assigns shall neglect to keep the said lock in sufficient repair or to furnish such attendance thereat as to prevent the free passage of boats he or they shall for every such neglect forfeit the sum of two pounds to be recovered with costs of suit before any justice of the peace by any person who shall prosecute for the same.

Width of bridge.

And be it further enacted That the width of the said bridge shall not be less than twenty four feet any thing in the act above recited to the contrary notwithstanding.

Security to be given to treasurer.

And be it further enacted That the said John B. Coles his heirs and assigns shall give security to the treasurer of this State in the penal sum of four thousand pounds conditioned that he or they shall erect and complete the said bridge within four years after the passing of this act and that he or they will preserve the same in good and sufficient repair during the term of sixty years after the building and completing of the said bridge and at the expiration of which term sixty years the said bridge shall vest in and become the property of the people of this State.

After sixty years, water power to be solely vested in

And be it further enacted That from and after the expiration of the said sixty years, the said John B. Coles his heirs and assigns for ever shall have hold and enjoy the use of the waters so ponded up for any mill or mills which he or they or any of them may have erected or shall

erect and also the use of the said dam. *Provided* that he or they shall keep in repair the said dam and lock at his and their proper expense, and keep a person to attend the said lock in manner herein before mentioned.

John B.
Coles.

CHAP. 32.

AN ACT for raising a further sum of money for completing the court house and gaol in the county of Saratoga.

PASSED the 24th of March, 1795.

WHEREAS James Emott and others commissioners by law appointed to superintend the building a court house and gaol in the county of Saratoga have by their petition represented to this legislature that in pursuance of their said appointment, they have proceeded to erect a building for the purpose aforesaid (in their judgment) suited in dimension and convenience to the extent & population of the county. And the supervisors of the county having represented that a further sum of money will be necessary to complete the same. Therefore,

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the supervisors of the county of Saratoga, at their meeting in May next are hereby authorised and required to direct to be levied and raised on the freeholders and inhabitants of the county of Saratoga the sum of six hundred pounds with an additional sum of one shilling on the pound for collecting the same which said sum shall be raised levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

Tax levy in Saratoga county for completing court-house and jail.

And be it further enacted That the said sum of six hundred pounds shall be collected and paid into the treasury of said county on or before the first day of February next and the treasurer of said county is hereby required and directed to pay said sum of six hundred pounds to the order of the said commissioners or a major part of them reserving to himself the sum of three pence on the pound for his services for receiving and paying out the same.

When tax to be collected.

And be it further enacted That the said commissioners shall account with the supervisors of the county of Saratoga for the monies by them to be received and expended for the purpose aforesaid when thereunto required.

Accounting by commissioners.

CHAP. 33.

AN ACT authorizing the surveyor general to ascertain the eastern boundary line of the lands ceded by this State, to the commonwealth of Massachusetts and for other purposes therein mentioned.

PASSED the 24th of March, 1795.

WHEREAS it hath been suggested that lands have been granted by letters patent under the great seal of this State which are comprehended within the tract previously ceded by this State to the common wealth of Massachusetts by the act or deed of mutual cession, executed on the 16th day of December 1786 and that the same are claimed by persons

Preamble.

under titles derived from the said common wealth, in order therefore to settle and adjust such adverse claims and as far as may be to prevent litigation and controversy between the claimants.

Surveyor-general to run out east boundary line of the Massachusetts patent and ascertain if conflicting grants have been made by State.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the surveyor general of this State as soon as may be after the passing of this act shall examine the line run by Benjamin Ellicot of Pennsylvania as for the eastern boundary line of the lands ceded as aforesaid to the common-wealth of Massachusetts in such manner as he shall deem best adapted to discover whether the said line has been truly run and in conformity with the stipulations contained in the said act of cession and if he shall judge that the said line hath been truly run, he shall then apply to the said Benjamin Ellicot for a description and map of the said line and for a certificate attested by his oath that the said line so run by him is to the best of his knowledge and belief truly performed and that it commenced in the boundary line between this State and the State of Pennsylvania and at the point from whence the eastern boundary line of the lands so ceded was to begin agreeably to the said act of cession and if the said surveyor general shall judge that the said line hath been truly run from the point aforesaid to lake Ontario he shall then ascertain in such manner as he shall judge proper what lands part of the tract so ceded as aforesaid if any, have been granted by letters patent under the great seal of this State, of all which he shall make report as soon as may be to the commissioners of the land office but if he shall adjudge that the said line hath not been truly run, and not in conformity with the intentions of the parties to the said act of cession he shall then run a line to determine the eastern boundary of the said lands so ceded as aforesaid in uniformity to the said act of cession.

Grants of land to be made in lieu of grants in Massachusetts patent.

And be it further enacted That it shall be lawful for the commissioners of the land office if it shall appear from the report of the surveyor general to be made as aforesaid, that letters patent have been granted under the great seal of this State for any lands laying within the tract so ceded as aforesaid to give and to grant in lieu of the whole or in lieu of any part thereof other lands of equivalent value of the unappropriated lands within this State if the claimants under titles derived from the said commonwealth shall agree to accept thereof or to give and grant to each and every claimant under titles derived from this State who shall be willing to accept thereof, other lands of equivalent value of the unappropriated lands within this State and to cause all the lands which may be so exchanged or granted to be surveyed at the expence of the people of this State and to cause letters patent to be issued for any lands which may be given in lieu of lands heretofore granted by this State and comprehended within the tract so ceded and without fee or reward.

Proviso as to lands still in possession of original patentees.

Provided that in every case where letters patent have been passed founded on locations for lands west of the said boundary line and the title whereof is still in the original patentee or patentees or their heirs or devisees such patentee or patentees or their heirs or devisees shall be only permitted to locate an equivalent quantity of the unappropriated lands belonging to the people of this State and which are now subject to location and shall receive letters patent therefor in the usual form.

Proviso as to release.

Provided also that the claimants of lands within the tract so ceded as aforesaid whether under titles derived from the said commonwealth or this State who shall consent and agree to take of the unappropriated lands within this State in lieu of the lands heretofore granted by this State and comprehended within the said ceded tract shall release their

right to the lands comprehended within the tract so ceded as aforesaid in such manner as the said commissioners shall stipulate with the respective claimants.

And be it further enacted That it shall and may be lawful for the surveyor general to draw upon the treasurer of this State by warrant from the person administering the government of this State for the time being for such sum or sums of money as may be necessary to defray the expences of ascertaining the eastern boundary line aforesaid and of such surveys as may be directed by the commissioners of the land office in adjusting the claims of the said claimants respectively by virtue of grants from this State or grants from the said commonwealth in and to the aforementioned lands for which said sums so to be drawn the said surveyor general shall account with the auditor of this State.

Treasurer
to advance
expences
to survey-
or-general.

CHAP. 34.

AN ACT for the relief of Nathan Dean and others.

PASSED the 31st of March, 1795.

WHEREAS David Gardiner, late of the county of Ulster deceased did during his life time, make three locations of two hundred acres each, on lands situate on the west side of the river Delaware, but neglected to cause the same to be surveyed according to law, by reason whereof the locations aforesaid became void. *And whereas* William Cockburn afterwards and before the said locations made by the said David Gardiner became void made locations interfering with the lands so located. *And whereas* Nathan Dean and Squire Whitaker after the said locations were made contracted with the commissioners of the land office for the purchase of the same lands and made considerable improvements thereon by erecting mills and other valuable buildings. Therefore.

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the commissioners of the land office to grant letters patent to the said Nathan Dean and Squire Whitaker in the usual form, for the said six hundred acres of land, they the said Nathan Dean and Squire Whitaker first paying into the treasury the sum of six hundred dollars.

Letters
patent to
Nathan
Dean and
Squire
Whitaker.

And whereas the said David Gardiner died intestate and Moses Hatfield hath administered on his estate. Therefore

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer, to pay the said six hundred dollars to Moses Hatfield administrator of all and singular the goods and chattels rights and credits of David Gardiner deceased, to be applied and disposed of as part of the personal estate of the said David Gardiner deceased, and shall be considered as a full compensation for the certificates deposited by him the said David Gardiner with the surveyor general for the locations made by him as aforesaid.

Appropriation to
Moses Hatfield, administrator of David Gardiner.

And be it further enacted by the authority aforesaid That it shall and may be lawful for the said William Cockburn, to locate on any vacant and unappropriated land subject to locations at the time of making the said location a quantity of land equal to the quantity of land of his former location covered by the prior location of the said David Gardiner.

Location by William Cockburn.

CHAP. 35.

AN ACT authorising the commissioners of the land office to grant letters patent for the lands therein mentioned to Henry Mansfield & Jotham Jayne.

PASSED the 31st of March, 1795.

Preamble.

WHEREAS it is represented to the legislature that Henry Mansfield and Jotham Jayne have made some improvements on vacant lands on Schoonemonk mountain in Orange county, and by their petition have prayed that the same may be granted to them on paying for the same, therefore

Letters patent to Henry Mansfield and Jotham Jayne.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the commissioners of the land office be and they are hereby authorised and directed to grant letters patent to Henry Mansfield and Jotham Jayne or their legal representatives as tenants in common for a tract of about six hundred acres of vacant land on Schoonemonk mountain in Orange county, upon their producing a survey thereof at their own expense from the surveyor general of this State, and also a certificate from him that the same is vacant lands. *Provided* that a valuation of the said lands shall have been previously made by such person or persons as the said commissioners shall appoint for the purpose, who shall certify such valuation under hand and seal to the treasurer of this State. *And provided also* that they the said Henry Mansfield and Jotham Jayne shall before the granting of such letters patent produce a receipt of the said treasurer that the purchase money has been paid (agreeable to such valuations) before the first day of January next.

CHAP. 36.

AN ACT to amend the acts for the prevention of fires, and to regulate certain buildings in the city of New York.

PASSED the 31st of March, 1795.

Combustible materials, restrictions on storage of, in New York city.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That from and after the first day of June next, no greater quantity of sulphur than ten hundred weight, and no greater quantity of hemp or flax than twenty hundred weight, shall be put, stored, or kept in any one place in the city of New York to the southward of fresh water in the sixth ward nor to the southward of Rutgers slip in the seventh ward other than in such proper place or places as shall be appointed and approved of by the mayor, alderman and commonalty of the city of New York in common council convened, under the penalty of ten pounds for every offence or refusal to remove the same, to be recovered, levied and applied in the manner and for the purposes, directed in and by the act entitled "An act for the more effectual prevention of fires in the city of New York.

Three-story buildings, what

And be it further enacted by the authority aforesaid, That every dwelling house, or other building whatsoever, which shall be erected or built

within the city of New York after the first day of May next, to the south and west of the line mentioned and described in the act entitled "An act for the more effectual prevention of fires and to regulate certain buildings in the city of New York and which from the surface or level of the street to which such house shall adjoin, whether in front or rear, to the foot of the rafters shall be more than twenty eight feet, shall be deemed considered and taken to be a building consisting of three or more stories within the meaning and intention of the said act entitled "An act for the more effectual prevention of fires, and to regulate certain buildings in the city of New York" and shall be made and constructed of such materials and in such manner as is directed in and by the same act under the penalties therein mentioned.

And be it further enacted by the authority aforesaid, That besides the penalties upon the proprietor and workmen who shall build or roof the same, every dwelling house or other building which shall be erected or built after the first day of May next contrary to the directions of the said act entitled "An act for the more effectual prevention of fires and to regulate certain buildings in the city of New York," or contrary to this act shall be liable to and chargeable with double taxes during so long time as such dwelling house or other buildings shall so continue.

Double taxes imposed on buildings illegally erected.

CHAP. 37.

AN ACT for the better support of the public hospital in the city of New York.

PASSED the 31st of March, 1795.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the treasurer of this State for the time being, and he is hereby directed, to pay to the treasurer for the time being, of the society of the hospital in the city of New York for the use of the said corporation out of any monies then in the treasury of this State not otherwise appropriated, the sum of four thousand pounds annually, for and during the term of five years, to be computed from the first day of February last, which sum of four thousand pounds so to be paid shall become chargeable upon the duties laid, or to be laid on sales at public vendue or auction, in the city of New York.

Appropriation to Society of the Hospital in New York city.

And be it further enacted by the authority aforesaid, That the act entitled "An act for the better support of the hospital in the city of New York" passed the 11th day of April 1792, shall be repealed so far as respects any future annual payments to be made to the society of the said hospital.

Act recited repealed as far as respects annual payments.

And be it further enacted by the authority aforesaid, That from and after the first day of July next, the duty charged by the act entitled "An act for the regulation of sales by public auction upon goods, wares, merchandize and effects sold at vendue or auction" shall be two pounds instead of two pounds ten shillings for every hundred pounds of the value or price at which the same shall be sold.

Duty on auction sales decreased.

CHAP. 38.

AN ACT for the more effectual prosecution of the improvements commenced by the inland lock navigation companies in this State.

PASSED the 31st of March, 1795.

Preamble.

WHEREAS the directors of the inland lock navigation companies instituted by the legislature have by their petition respectfully represented, that only seven hundred and forty three shares in the western company, and six hundred and seventy six in the northern company have been subscribed to the stock of the said companies, and that of those, about two hundred and forty in each company have been forfeited, by reason that the holders thereof have refused or neglected, to pay the sum required of them in conformity to law, by means whereof the residue of the stock in both companies is now held by only one hundred and sixty nine persons, who, alth'o willing to prosecute the objects of the institutions with vigour and energy, are incapable to make the requisite advances, as the expence to be incurred on each share will be double of what was originally intended, occasioned by the deficit of the unsubscribed shares and the forfeitures aforesaid, and have prayed legislative relief in the premises. *And whereas* the legislature by the act of incorporation intended, that the stock of the said companies respectively should consist of one thousand shares, and that the objects of the institution, were to facilitate the transportation of produce as an important mean to promote the agriculture and commercial interest of the State. Therefore

Subscription to stock of Western and Northern Inland Lock Navigation Companies

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer of this State for the time being and he is hereby required to subscribe two hundred shares to the stock of each of the said companies, and to pay the sum of twenty pounds on each share to the treasurer of the said companies, being a like sum as hath been paid by the existing stockholders thereof, and shall from time to time pay such further sum on each share so to be subscribed as the directors of the said company shall from time to time require to be paid by the other stockholders in the said companies respectively, and not otherwise.

Voting on State stock by treasurer.

And be it further enacted by the authority aforesaid, That the treasurer of this State for the time being, shall have such and so many votes at any meeting of the stockholders, whether the same be for the purpose of chusing directors, or for any purpose for which any such meeting may be held, as any other stockholder is entitled to in conformity with the said act of incorporation, and shall have use and enjoy every privilege and advantage, which the other stockholders are by law entitled to, and shall from time to time, take and receive the dividend or dividends to which the people of this State will become entitled to, out of every dividend or dividends hereafter to be made, and to raise from the tolls or any other emolument whatsoever.

Treasurer to inspect proceedings of directors.

And be it further enacted by the authority aforesaid, That whenever and as often as the said treasurer shall require an inspection of the proceedings of the directors, the same shall be permitted him, and if he shall find that any measures have been pursued by the directors of either of the said companies tending to the injury of the people of this State as subscribers to the stock of said companies, he shall report the same to the legislature at the first meeting thereof next after such discovery.

CHAP. 39.

AN ACT for altering one of the terms of the court of common pleas in the county of Westchester.

PASSED the 31st of March, 1795.

WHEREAS one of the terms of the court of common pleas in the county of Westchester, is by law to be held on the fourth Monday of January in every year, and is found to be inconvenient. Therefore Preamble.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Westchester county, court term changed.
That instead of the said fourth Monday of January, the said term shall be held on the third Monday of December in every year, and may be held and continued until the next Saturday following inclusive.

CHAP. 40.

AN ACT to enable the freeholders and inhabitants of part of the town of Water-vliet to elect trustees for the purposes therein mentioned.

PASSED the 31st of March, 1795.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, Watervliet, town of, trustees of part of (Colonie).
That Lucas Van Veghten, Bastian T. Visscher, Henry Quakenboss, Abraham Van Veghten and Luther Trowbridge, shall be and they are hereby declared to be, the first trustees for the freeholders and inhabitants of all that part of the town of Watervliet, comprehended within the limits following to wit, beginning on the west bank of Hudsons river and in the northeast corner of the bounds of the city of Albany, and extending northerly along the said river to a point on its west bank, distant one mile from the place of beginning on a streight line, thence north fifty degrees west one mile, thence southerly on such course as to intersect the north bounds of the city of Albany at one mile from the place of beginning, thence easterly along the same north bounds to the place of beginning, and shall continue to the trustees as aforesaid until the second Tuesday in May, one thousand seven hundred and ninety six, and until others shall be chosen in their place. And that it shall and may be lawful to and for the owners of houses or land within the limits aforesaid as well as the freeholders and inhabitants for the time being, resident within the said last limits and qualified by law to vote at town meetings, to assemble on the second Tuesday of May one thousand seven hundred and ninety six, and annually on the second Tuesday of May in every year thereafter, at such place, and at such time of the day, as the trustees for the time being, or the major part of them, shall by public advertisement appoint, and under the direction of the said trustees or such of them as shall be present, who are hereby made inspectors of such election, then and there by a plurality of voices to elect five discreet inhabitants being freeholders, to be trustees as aforesaid, who shall continue in office until the second Tuesday of May in the next ensuing year and until others shall be chosen in their place.

Trustees
may hold
real estate.

And be it further enacted by the authority aforesaid, That the said trustees hereby appointed, and their successors, are hereby enabled to take a grant or grants feoffment or feoffments of any lands and tenements lying and being within the limits aforesaid, and to hold the same to them and their successors for ever in trust to and for the common use and benefit of the freeholders and inhabitants aforesaid.

Powers and
duties of
trustees;
streets;
fires.

And be it further enacted by the authority aforesaid, That the said owners of houses or land, and the said freeholders and inhabitants at their annual meetings to be held as aforesaid, and at such other times of the year as the said trustees or a majority of them may think necessary to advertise for the purpose, shall be and they are hereby authorized and empowered from time to time, to make, ordain constitute and establish such prudential rules, orders and regulations, as a majority of such owners of houses or land, and freeholders and inhabitants so assembled and having a right to vote shall judge necessary and convenient for the better improving their common lands, and for ascertaining and directing the use and management thereof. And also to ordain and establish such prudential rules and orders relative to the cleansing and keeping in order and repair the common streets and highways, within the limits beforementioned, and for removing nuisances therefrom. And also to make and ordain rules and regulations, proper to compel the housekeepers to furnish themselves with a sufficient number of fire buckets, and with necessary tools and implements, for extinguishing of fires, and to impose such penalties on the offenders against such rules orders and regulations, on any or either of them as the majority of such owners of houses or land and freeholders and inhabitants so assembled, shall from time to time deem proper, not exceeding forty shillings for any one offence, to be recovered by the said trustees for the time being, in their own names with costs of suit for the use of the said owners of houses or land and freeholders and inhabitants by action of debt before any justice of the peace residing in the county.

Clerk to be
appointed;
duty of.

And be it further enacted by the authority aforesaid That the said trustees hereby appointed and their successors, shall and may from time to time constitute and appoint one fit person to be a common clerk for the said owners of houses or land and freeholders and inhabitants, whose duty it shall be to record all rules orders and regulations made by the said owners of houses or land, and freeholders and inhabitants at their meetings as aforesaid, in a proper book to be kept by him provided for such purposes. And also to do and perform all such matters and things as the said trustees or a majority of them shall lawfully from time to time by writing under their hands direct & appoint.

Firemen,
appoint-
ment of.

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said trustees or the major part of them and they are hereby required with all convenient speed, to elect nominate and appoint a sufficient number of men, willing to accept, not to exceed twenty in number out of the inhabitants within the limits aforesaid, to have the care, management, working and use of the fire engine or engines belonging or which may belong to the said owners of houses or land and freeholders and inhabitants, and also the tools and instruments for extinguishing fires; and the said trustees or the major part of them are hereby authorized and empowered to remove or displace all or any of the firemen so as aforesaid to be elected nominated and appointed, when and as often as they shall think fit, and others in their stead to elect nominate and appoint; and also to make, establish and ordain such rules orders and regulations for the government

conduct duty and behaviour of such firemen as to them shall appear necessary and proper.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said owners of houses or land and freeholders and inhabitants at their annual meeting for electing trustees, by majority of voices to determine what sum in the aggregate, shall be raised, levied and collected from the said owners of houses or land and freeholders and inhabitants resident within the said limits for paving and other improvements on the highways therein, and to empower the said trustees to apportion the sum so to be raised amongst the said owners of houses or land, and freeholders and inhabitants, in proportion to the advantages which they shall deem to result to each from any such repairs or improvements. *Provided always,* that such sum shall not in any year exceed the sum of three hundred pounds, and shall in like manner raise a sum sufficient to purchase an engine for the more effectual extinguishing fires within the said limits, or within the city of Albany, and shall in like manner apportion to each, his or her proportion of the expence.

Freeholders may direct the raising of moneys for streets.

CHAP. 41.

AN ACT relative to lands in Brothertown.

PASSED the 31st of March, 1795.

WHEREAS certain lands heretofore in the county of Montgomery, now in the county of Herkemer, were by law appropriated to the use of the Indians, commonly called New England Indians, and particularly designated in an act entitled "An act for the sale and disposition of lands belonging to the people of this State" passed the twenty fifth day of February one thousand seven hundred and eighty nine, with permission to the said Indians under certain restrictions, to lease a part of the said lands for a term not exceeding ten years. *And whereas* several Indians in their individual capacity have granted leases for such quantities of the said land, as that others of the Indians who were intended to be participants in the said lands cannot be accommodated with a part thereof, which has occasioned disputes and controversies between the said Indians themselves and between them and the white inhabitants settled on the said lands. *And whereas* the said Indians and the said white inhabitants have by petition severally solicited legislative interference in the premises. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That Samuel Jones, Ezra L'Hommedieu and Zina Hitchcock be and they hereby are appointed commissioners for settling and adjusting all differences which have arisen or may arise between the Indians residing on the said lands, and between them and the several tribes of Indians claiming an interest in the said lands, and between the said Indians and the said white inhabitants.

Commissioners to settle controversy over Brothertown lands

And be it further enacted by the authority aforesaid, That it shall be the duty of the said commissioners as soon as may be after the first day of May next, to repair to Brothertown, and thereto examine into all differences which may have arisen between the said Indians and between the said Indians and the said white inhabitants, and to hear the several allegations and proofs of the said parties.

Lands to be set off for Indians without regard to leases.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, to set off part of the said tract in one entire piece for the use of the Indians now residing in Brothertown, and for such other Indians as may be entitled to land in Brothertown: Notwithstanding any lease or leases made by individual Indians to any white person or persons whether resident on the same land or not: *Provided*, that such piece so to be set off shall not contain less than six nor more than ten thousand acres. .

Division of lands to be made.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, to make a division of the remainder of the land in Brothertown amongst such persons as have obtained leases from individual Indians or claim under such leases, if such lessees and such claimants were actually resident on and occupying of the said land on or before the twenty seventh day of December last in such proportion as they in their judgment shall deem equitable, taking into consideration in such apportionment, the improvements which may have been made by any of the said lessees on the lands which the said commissioners shall appropriate for the settlement of Indian families or individual Indians, and to sell the same to the said persons in Brothertown so having obtained leases or claiming under leases from individual Indians as aforesaid, and, who were so actually resident on and occupying of the said lands, at such price and on such payments as they in their judgment shall deem most advantageous to the State, and least oppressive to the purchasers; and in behalf of the people of this State, to give conveyances for the same lands, and to take mortgages for the payment of the purchase money in the name of the people of this State to cause the same to be registered in the proper office, and to deliver the originals, together with all the purchase money they may receive to the treasurer of this State. *Provided always*, that if any such white inhabitant shall refuse to make such purchase as aforesaid, and to give a mortgage for the purchase money, and to give up the lease or leases which he may have obtained from an individual Indian, or Indians, or the assignment of such lease or leases, then and in that case, it shall and may be lawful for the commissioners to sell the same land to any other white inhabitant resident in Brothertown and occupying of the said land on or before the twenty seventh day of December last.

Certain white inhabitants not to be dispossessed.

And be it further enacted by the authority aforesaid, That it shall not be lawful for the said commissioners to dispossess any white inhabitant in Brothertown of the possession of the lands he occupies or holds by lease for ten years heretofore given bona fide by the Indians residing in Brothertown in their collective capacity at the time of making such lease. *Provided*

Mean price at which lands to be sold.

And be it further enacted by the authority aforesaid That the said lands shall not be sold for less than such sum in the aggregate as that the mean price shall be at least sixteen shillings per acre; *and provided*, that no sale shall be made to any person who was not actually resident on and occupying part of the said land on the twenty seventh day of December last.

Disposition of moneys arising on sale of lands.

And be it further enacted by the authority aforesaid, That the monies arising from the sale of the lands so to be made as aforesaid, after deducting the expenses, which may arise in carrying this act into effect, shall by the treasurer be vested in the funds of the United States, and so much of the interest thereof as may be necessary shall be annually, applied for maintaining a school in Brothertown for the education of Indian children, and the remainder of the interest, if any, shall

be applied to the benefit of the Indians residing in Brothertown and such other Indians as have a right in the same lands, and shall be settled thereon, in such manner as the person administering the government of this State for the time being shall judge proper.

And be it further enacted by the authority aforesaid, That if a majority of the said Indians actually resident, shall incline to have the whole of the said tract so to be set apart, divided into lots to be specially appropriated to the heads of families respectively, or to any Indian having no family, and who is by law intitled to part of the said tract, then the said commissioners shall cause the same to be laid into such a number of lots, not less than shall be sufficient as well for the Indian families actually resident, as for other Indian families entitled by law, and the contents of such lots severally, as well of the appropriation thereof to any particular family, shall be in the discretion of the said commissioners, but if the said Indians should not collectively agree to such an arrangement, then the said commissioners may lay out a lot for each family which may choose to have the same so specially appropriated, and shall cause a register of every such appropriation, to be made in a book to be provided for that purpose, descriptive of the several lots, together with the name of the head of the Indian family, or individual Indian, to whom any lot may be so appropriated, and the names of all the members of the same family, their age and sex, and every lot so appropriated as well as the whole tract so to be set apart, and of which no such appropriations shall be made, shall be to the use of the said Indians, either collectively as a body of people, or individually by families (as the case may be) and shall remain to them and their posterity forever as an estate or estates unalienable and without the power of leasing; and such book as aforesaid being certified by the said commissioners, shall be filed in the office of the secretary of this State, and one copy thereof in the clerks office of the county of Herkemer, to remain in the said offices as part of the public records.

Division of lands to be made at request of majority of Indians.

And be it further enacted by the authority aforesaid, That it shall be the duty of the surveyor general to run the out lines of the tract commonly called Brothertown and to make and perform all other surveys within the same which the said commissioners shall direct, and to make two maps thereof, and to deliver the same together with two field books to the said commissioners to be by them filed with the books in manner aforesaid.

Surveyor-general to make certain surveys.

And be it further enacted by the authority aforesaid, That the said commissioners be and they hereby are authorized and empowered, to settle and adjust any other differences and disputes between the said Indians, and between the said Indians and the said white inhabitants respecting the aforesaid lands, and not provided for by this act, in such manner as they shall judge equitable, which decision shall be binding on the parties.

Other differences to be settled.

And be it further enacted by the authority aforesaid, That any two of the said commissioners shall be a quorum to do and transact every matter and thing enjoined by this act, and the said commissioners besides their expenses, shall be allowed such reasonable compensation, as the legislature shall hereafter direct.

Two of commissioners may act.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the treasurer of this State to pay to the said commissioners or to their order a sum not exceeding one thousand pounds to enable them to defray the expenses of the surveys herein before mentioned, and such other contingent charges as shall from time to time accrue in the execution of the duties enjoined them by this act; and the

Appropriation for expenses.

said commissioners shall render true and just accounts of all such expenditures to the auditor of this State, and shall report their proceedings to the legislature at their first meeting next after they shall have completed the same.

CHAP. 42.

AN ACT to erect part of the counties of Albany and Otsego into a separate county.

PASSED the 6th of April, 1795.

Schoharie
county
erected
from Al-
bany and
Otsego.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That from and after the first day of June next all that tract of land of the counties of Albany and Otsego comprehended within the following boundaries beginning at the north west corner of the manor of Rensselaer and running thence southerly along the westerly line thereof, to the south west corner of the said manor thence westerly on a direct line to the place where the Ulster county line crosses the Schoharie creek thence along the said line to the lake Utseyantho and Harpersfield thence westerly along the northern boundary line of Harpersfield to the southwest corner of the town of Dorloch and thence northerly along the bounds of the towns of Cherry Valley and Dorloch to the north-west corner of the said town of Dorloch thence easterly along the division line of the counties of Montgomery and Otsego to the north-west corner of the county of Albany thence along the division line between the counties of Albany and Montgomery easterly to Duanesborough and thence along the westerly and southerly bounds of Duanesborough to the place of beginning shall be and hereby is erected into a separate county and shall be called and known by the name of Schoharie.

Courts in
Schoharie
county.

And be it further enacted That there shall be held in and for the said county of Schoharie a court of common pleas and a court of general sessions of the peace and that there shall be three terms of the same courts in the said county in every year, to commence and end as follows that is to say the first term of the said courts shall begin on the last Tuesday of May, and may continue to be held until the Saturday following inclusive and the second term of the said courts shall begin on the first Tuesday of October and may continue to be held until Saturday following inclusive and the third term of the same courts shall begin on the first Tuesday of January, and may continue to be held until the Saturday following inclusive. And the said court of common pleas and general sessions of the peace shall have the same jurisdiction power and authorities in the said county as the courts of common pleas and general sessions of the peace in the other counties of this State have in their respective counties.

Certain
suits not
affected.

Provided that nothing in this act contained shall be construed to affect any suit or action already commenced or that shall be commenced before the first Tuesday in October next so as to work a wrong or prejudice to any of the parties therein or to affect any criminal or other proceedings on the part of the people of this State but all such civil and criminal proceedings, shall and may be prosecuted to trial judgment and execution as if this act had never been passed.

Where
courts to
be held.

And be it further enacted That until other legislative provisions be made in the premises, the said court of common pleas and general sessions of the peace in the said county shall be held at the house of Johannis Ingold in the town of Schoharie.

And be it further enacted That the freeholders and inhabitants of the said county hereby erected shall have and enjoy all and every the same rights, powers and privileges as the freeholders and inhabitants of any other county in this State are by law entitled to have and enjoy. Powers, etc., of county.

And be it further enacted That it shall and may be lawful for all courts and officers of the said county of Schoharie in all cases civil and criminal to confine their prisoners in the gaol of the county of Albany until a gaol shall be provided in the said county of Schoharie. Where prisoners to be confined.

And be it further enacted That it shall and may be lawful for the freeholders and inhabitants of the said county of Schoharie to build and erect a court house and gaol in the said county at such places as the judges and justices to be appointed for the said county and the supervisors of the towns therein or a major part of the same judges justices and supervisors may direct and appoint not exceeding one mile and a half from the junction of the Cobus kill and Schoharie road. Court-house and jail, where may be built.

CHAP. 43.

AN ACT making further provision for fortifications within this State.

PASSED the 6th of April, 1795.

WHEREAS fortifications have been commenced within this State in conformity to the act entitled "An act authorizing the erecting of fortifications within this State," and unless the prosecution of the same be continued the works already begun, but not compleated, will go to ruin; Preamble. *and whereas* the object of the contemplated fortifications is of the first importance to the safety and interest of the people of this State. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer of this State, and he is hereby required, to pay to the commissioners appointed by the second section of the said act upon warrant of the person administering the government of this State for the time being, a sum not exceeding twenty thousand pounds out of any monies in the treasury not appropriated, to be by the commissioners laid out and expended for compleating and making such fortifications as by the said act were intended to be erected. *Provided always,* that no part of the said money shall be expended, other than for compleating making and repairing the fortifications on Governors island Bedlows island and Oyster island in the city of New York. Appropriation for commissioners to erect fortifications.

CHAP. 44.

AN ACT to amend the Act, establishing the rates of wharfage within the city of New York.

PASSED the 6th of April, 1795.

WHEREAS it hath been represented to the legislature that the present rates of wharfage are inadequate for the purposes of building keeping in repair and maintaining the wharves in the city of New York by reason of the advanced price of labor and materials. Preamble. Therefore

Rates of
wharfage
in New
York city.

Be it enacted, by the People of the State of New York represented in Senate and Assembly, That from and after the first day of May next it shall and may be lawful to and for the present owners and proprietors of the said mentioned wharves or the owners or proprietors thereof for the time being to ask demand take and receive to and for their several and respective uses for all ships and vessels using or that shall use the same that is to say for every foreign vessel under the burthen of sixty tons at and after the rate of four shillings per day, for every ship or other vessel of the burthen of sixty tons and under the burthen of one hundred tons at and after the rate of four shillings per day for every ship or other vessel of the burthen of one hundred tons and under the burthen of one hundred and fifty tons, at and after the rate of five shillings per day for every ship or other vessel of the burthen of one hundred and fifty tons and under the burthen of two hundred tons at and after the rate of six shillings per day for every ship or other vessel of the burthen of two hundred tons and under the burthen of two hundred and fifty tons at and after the rate of six shillings and six pence per day: for every ship or other vessel of the burthen of two hundred and fifty tons and under the burthen of three hundred tons at and after the rate of seven shillings and six pence per day for every ship or other vessel of the burthen of three hundred tons and under the burthen of four hundred tons at and after the rate of eight shillings per day for every ship or other vessel of the burthen of four hundred tons and under the burthen of five hundred tons at and after the rate of nine shillings per day; for every ship or other vessel of the burthen of five hundred tons and under the burthen of six hundred tons at and after the rate of ten shillings per day for every ship or other vessel of the burthen of six hundred tons and upwards to pay six pence for every fifty tons in addition to the rate last mentioned for every day that such ship or vessel respectively shall use and be made fast to any of the wharves herein beforementioned.

Proviso as
to coasting
vessels.

Provided always That nothing in this act contained shall be construed deemed or taken to establish a rate of wharfage for vessels employed between one part and another within this State or for any coasting vessel belonging to the citizens of the United States of a burthen not exceeding sixty tons and that the masters or owners of such vessels and owners of wharves may adjust the wharfage to be paid for such last mentioned vessels on such terms as they may from time to time mutually agree upon and in case of a difference between the master of any such vessel last mentioned and the owner or owners of any wharf the same shall be determined by the master and wardens of the port of New York whose decision shall be final.

Part of act
recited
repealed.

And be it further enacted That the first section of the act entitled "An act to establish the rates of wharfage and crantage within the city of New York" passed 17th April 1784 shall be and hereby is repealed.

CHAP. 45.

AN ACT to encourage certain manufactories within this State.

PASSED the 6th of April, 1795.

Preamble.

WHEREAS James Caldwell of the city of Albany hath by his memorial represented to the legislature that the extensive works erected by him

in the vicinity of that city have been consumed by fire and hath prayed a loan from the State without which he will be unable to carry on his useful and important manufactories. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer of this State shall be and he is hereby authorized and directed to advance on loan to the said James Caldwell out of any monies in the treasury not otherwise appropriated on the first day of May next a sum not exceeding eight thousand pounds.

Loan to
James
Caldwell.

And whereas Josiah G. Pierson hath also represented that he has established a manufactory of nails upon an improved plan which is capable of being greatly extended by being constructed so as to go by water which for want of a sufficient capital he is at present unable to execute and hath also prayed for a loan from the State. Therefore

Be it further enacted That the treasurer of this State shall be and he is hereby authorized and directed to advance on loan to the said Josiah G. Pierson out of any money in the treasury not otherwise appropriated on the day herein before mentioned a sum not exceeding four thousand pounds.

Loan to
Josiah G.
Pierson.

And whereas John Boyd hath represented to the legislature that a valuable set of works for the making scythes erected by him in the town of New Windsor in the county of Ulster have been destroyed by fire and he hath also prayed for a loan of money from the State to enable him to reestablish and carry on the said manufactory. Therefore

Be it further enacted That the treasurer of this State shall be and he is hereby authorized and directed out of any money in the treasury not otherwise appropriated on the day herein before mentioned to advance on loan to the said John Boyd a sum not exceeding fifteen hundred pounds.

Loan to
John Boyd.

Provided that the said James Caldwell Josiah G. Pierson and John Boyd shall previous to receiving any of the monies directed to be paid by virtue of this act severally enter into bond to the people of the State of New York conditioned for the faithful payment of such sum of money as shall be loaned to either of the said persons in manner aforesaid in six years from the date of the said obligation together with interest annually for the same at the rate of six per cent per annum and that the said James Caldwell Josiah G. Pierson and John Boyd shall also severally execute to the said treasurer good and sufficient mortgages upon such unincumbered real estate as the said treasurer together with the attorney general and surveyor general or together with either of them shall think sufficient (exclusive of any buildings erected on the same) for securing the sum of money loaned by this act to each of the said persons as aforesaid with the interest on the same as aforesaid which said mortgages the treasurer is hereby directed to get duly recorded and to hold the same for the use of the people of this State.

Proviso as
to security.

And provided also that before any money shall be advanced on loan as herein before directed the said James Caldwell Josiah G. Pierson and John Boyd shall severally give such security to the treasurer as he shall deem sufficient that the money received by them respectively in virtue of this act shall bona fide be applied to the purpose of prosecuting their several manufactories within this State.

CHAP. 46.

AN ACT for the relief of Paul Schenck.

PASSED the 6th of April, 1795.

Preamble. WHEREAS it appears that the principal sum of six hundred and thirty five pounds four shillings and two pence, is due from this State to Paul Schenck of the town of Poughkeepsie merchant, as survivor of Paul Schenck and John I Schenck deceased for services performed and supplies furnished by the said Paul and John I. Schenck for the use of certain troops of the United States during the late war, and that the said sum has been credited to this State in account with the United States: Therefore

Appropriation to Paul Schenck. *Be it enacted, by the People of the State of New York represented in Senate and Assembly* That the treasurer of this State be and he is hereby authorized and required to pay to the said Paul Schenck or his lawful representatives the said sum of six hundred and thirty five pounds four shillings and two pence together with the interest thereof at the rate of five per centum per annum from the first day of January in the year one thousand seven hundred and eighty seven; out of any monies in the treasury not otherwise appropriated in full compensation for the said supplies and services.

Proviso as to bond of indemnity. *Provided however* that the said Paul Schenck before he shall be entitled to receive any of the said monies shall give sufficient security to the treasurer of this State to be approved of by the said treasurer that he the said Paul Schenck his heirs executors or administrators shall refund the said monies with the interest thereof if it shall hereafter appear that the legal representatives of the said John I Schenck or any of them are entitled to the same.

CHAP. 47.

AN ACT for the relief of James Monnell.

PASSED the 6th of April, 1795.

Preamble. WHEREAS the auditor of this State, on the fourteenth day of July in the year of our Lord one thousand seven hundred and eighty five, settled the accounts of James Monnell one of the assistant State agents, who thereupon received a certificate for the ballance appearing to be due to him on such settlement; but it appears to the legislature, that the auditor afterwards by direction of the committee appointed to advise him, settle the accounts of the other assistant state agents upon principles different from those adopted in the said settlements of the accounts of the said James Monnell. In order therefore to do equal justice to the said James Monnell.

Account of James Monnell. *Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the auditor of this State and he is hereby directed to review his said settlement of the accounts of the said James Monnell, and to liquidate and settle the said accounts of the said James Monnell upon the same principles which prevailed in the settlement of the accounts of the other assistant state agents, and to allow him

interest at the rate of five per cent per annum on the ballance that may appear to be due to him from the date of the said former settlement. And the treasurer is hereby directed to pay to the said James Monnell such sum as shall be certified by the said auditor to be due to him for principal and interest out of any money in the treasury not otherwise appropriated.

CHAP. 48.

AN ACT for the relief of Daniel Outwater.

PASSED the 6th of April, 1795.

WHEREAS it appears that Daniel Outwater hath for a long time been confined in the gaol of Dutchess county by virtue of an execution issued out of the court of exchequer of this State on a judgment for one hundred pounds obtained against him in the said court in favor of the people of this State, on a recognizance conditioned for the appearance of the said Daniel Outwater at a court of oyer and terminer to be held in and for the said county which recognizance was forfeited to the said people. Preamble.

And whereas the said Daniel hath since appeared at the last court of oyer and terminer held in and for the said county and answered to the charge for which he was so recognized to appear and thereupon was acquitted from the said charge and the said Daniel is altogether unable to pay the amount of the said judgment or any part thereof. Therefore Daniel Outwater to be released from imprisonment

Be it enacted by the people of the State of New York represented in Senate and Assembly That it shall be lawful for the sheriff of the said county of Dutchess and he is hereby required to release and discharge the said Daniel from his said imprisonment on the said execution.

CHAP. 49.

AN ACT for the relief of the representative of Francois Duliepvre deceased.

PASSED the 6th of April, 1795.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall be lawful for the coroner of the city and county of New York, and he is hereby required to deliver unto Pierre de Verry and Reinier John Vanden Broeck attorneys of Michael Gasmer executor of the last will and testament of Francois Duliepvre deceased who by an inquest taken by the said coroner was found guilty of suicide) all the goods and chattels of the said Francois Duliepvre, which were taken by the said coroner into his possession for the use of the people of this State in consequence of the said inquest. Coroner of New York to deliver property of Francois Duliepvre to executors.

CHAP. 50.

AN ACT for the encouragement of artillery men in the city of New York.

PASSED the 6th of April, 1795.

Preamble. WHEREAS it is of the highest importance to the security and defence of this State that an effectual corps of artillery should be in readiness in the city of New York to man and protect the works in the said city and its vicinity.

And whereas it is expedient that encouragement should be afforded by the legislature as well to accomplish this object as to compensate the men who engage in that service for the extraordinary trouble and expence to which they are necessarily subjected. Therefore

Militiamen in New York not compelled to serve on juries. *Be it enacted by the People of the State of New York, represented in Senate and Assembly* That any non commissioned officer or private of any company of artillery within the city and county of New York who shall produce a certificate, dated within three months of the then present time signed by the captain of such company, and countersigned by the commandant of the regiment or brigade to which such company belongs, that he belongs to such company; shall not be compelled to serve on any grand or petit jury within this State.

Exemption of £200 from tax. *And be it further enacted* That it shall be the duty of the several assessors within the city and county of New York whenever they have assessed the property of any non commissioned officer or private as aforesaid or property for which he is bound to pay the taxes for the purpose of levying a tax to defray the contingent expences of the said city and county, upon his producing such certificate to deduct from such assessment the sum of two hundred pounds: And the residue only shall be the sum for which he shall be assessed.

Exemptions after nine years' service. *And be it further enacted* That any non commissioned officer or private as aforesaid who shall produce a certificate signed and countersigned as aforesaid that he has served faithfully in said company for the term of nine years to be computed from the time of his entering said company after the passing of this act, shall for ever thereafter be exempted from all military services within this State unless in cases of invasion or insurrection.

CHAP. 51.

AN ACT to enable the mayor aldermen and commonalty of the city of New York to raise by lottery a sum not exceeding ten thousand pounds for the purposes therein mentioned.

PASSED the 6th of April, 1795.

Preamble. WHEREAS the mayor aldermen and commonalty of the city of New York by their petition have represented to the legislature that the buildings appropriated for the reception of the poor and indigent inhabitants of the said city are so decayed that it will be difficult if not impossible to accommodate with any degree of comfort those persons whose unfortunate lot it may be to be placed therein during the ensuing winter. And that they have with the monies raised by tax on the said city provided

a considerable quantity of materials for the purpose of erecting a new building but by reason of the expensive and necessary annual improvements in the said city since the late war which have been borne by the inhabitants thereof with great cheerfulness it would be too great a burden on them to raise the monies which which* will be required for the erection of this necessary building by an immediate tax, and have therefore prayed that a law may be passed to authorize them to raise a sum not exceeding ten thousand pounds by lottery.

And whereas the said city from its situation is necessarily the receptacle of a greater proportion of paupers than any other city or county within this State and the erection of such a building in the said city would be highly beneficial to the same and it is but just and reasonable that considering the great burdens heretofore borne by the said inhabitants for the improvement of the said city that relief should be offered to the said city in the manner prayed for. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the mayor aldermen and commonalty of the city of New York to raise a sum not exceeding ten thousand pounds by a lottery to be made for that purpose and to apply the proceeds thereof to the discharge of the expences to arise for the erection of the said building. And in order to carry such lottery into effect.

Lottery in New York for poor-house.

Be it further enacted That it shall and may be lawful for the said mayor aldermen and commonalty of the city of New York to employ such fit person or persons under them to sell the tickets and manage the said lottery in such way and under such regulations as they shall judge proper.

Managers of lottery.

And be it further enacted That if any person or persons shall forge or counterfeit any ticket or tickets to be made in virtue of this act or alter any number thereof or utter or offer for sale or sell to any person or persons any forged or counterfeited ticket or tickets or any ticket or tickets whereof the number is altered knowing them to be such or bring the same to any of the managers with an intent to defraud the said mayor aldermen and commonalty of the city of New York or any adventurer in the said lottery every such person or persons being thereof convicted according to the due course of law shall be adjudged a felon and suffer the punishment of confinement in prison during his natural life.

Penalty for forging tickets.

And be it further enacted That the said mayor aldermen and commonalty of the city of New York shall report to the legislature at their next meeting the state and progress of the said lottery and to every succeeding legislature until the object of the said lottery shall be accomplished.

Report to legislature.

CHAP. 52.

AN ACT relative to roads and highways in the city of Hudson.

PASSED the 6th of April, 1795.

WHEREAS the mayor, recorder aldermen and commonalty of the city of Hudson have by their petition represented, that it would promote the interest of the inhabitants of the said city, that a law should be

Preamble.

* So in original.

passed, enabling the said mayor, recorder aldermen and commonalty to raise a sum of money by tax, instead of assessing days labor, for the purpose of making repairing and improving the roads and highways within the said city. Therefore

Tax levy in city of Hudson for contingent charges.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the mayor recorder aldermen and commonalty of the city of Hudson, in common council, convened, or a major part of them, to raise a sum of money annually upon the freeholders and inhabitants of the said city not exceeding the sum of three hundred pounds for the purpose of making repairing and improving, the roads and highways therein, to be assessed collected and paid in such manner as the other contingent charges of the said city are directed by law to be assessed collected and paid. Provided nevertheless

Tax limited.

And be it further enacted That any tax to be assessed by virtue of this act on the freeholders and inhabitants of the said city shall in no instance be more than six pounds for any one individual in one year.

Act to be in force for four years.

And be it further enacted, That this act shall continue and remain in force for the term of four years and no longer from and after the passing the same.

CHAP. 53.

AN ACT for the preservation of the fishery in that part of Croton river which lies in the county of Westchester.

PASSED the 6th of April, 1795.

Preamble.

WHEREAS it hath been represented by the petition of a number of the inhabitants of the county of West Chester living near Croton river that the common privilege of taking fish in the said river is greatly obstructed, by setting nets and fikes across the said river between sun set and sun rise in the months of April and May in every year whereby the free passage of fish up the said river is greatly obstructed for remedy whereof.

Net fishing in Croton river, restrictions on.

Be it enacted by the People of the State of New York represented in Senate and Assembly That if any person or persons shall between sun set and sun rise in the months of April and May in any year hereafter set or place any net or fike or cause the same to be set or placed in or across that part of Croton river which is in the county of West-Chester shall for every such offence forfeit and pay the sum of forty shillings to be recovered by action of debt with costs of suit by any person or persons who will prosecute for the same, before any justice of the peace in and for the said county the one half of which sum when so recovered shall be for the use of the poor of the town where the offence shall be committed, and the other half for the use of the person or persons prosecuting for the same.

CHAP. 54.

AN ACT for the relief of Samuel Waterhouse and others.

PASSED the 6th of April, 1795.

Preamble.

WHEREAS Samuel Waterhouse, Abraham Waterhouse, Abraham Waterhouse junior, Josiah Waterhouse, Roswell Hopkins and Isaac Hopkins,

did on the twenty ninth day of January, one thousand seven hundred and eighty two, purchase of Christopher Yates and John Lansing junior commissioners for procuring a sum in specie, six several tracts of land each containing five hundred acres, being part of a tract of land situated in the county of Washington, commonly called Skeens little patent, and paid into the treasury of this State, the sum of one hundred and seventy five pounds for each of the said tracts, being at the rate of seven shillings per acre. *And whereas* the quantity of one thousand three hundred and twenty one acres of the said land, being part of each of the said five hundred acre tracts, is held and claimed, under and has become part of the State of Vermont, so that the said purchasers have lost the same, and it being proper that retribution should be made to the purchasers aforesaid. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That the treasurer of this State be and he is hereby directed out of any monies now in the treasury not otherwise appropriated, to pay unto the judges of the court of common pleas for the county of Washington, or the major part of them or to their order, the sum of four hundred and sixty two pounds seven shillings with the interest thereon at and after the rate of five per cent per annum, to be computed from the time the said purchase money was paid into the treasury as aforesaid, and the said judges or a major part of them shall divide the same among them the said Samuel Waterhouse, Abraham Waterhouse, Abraham Waterhouse junior, Josiah Waterhouse, Roswell Hopkins and Isaac Hopkins or their assigns in proportion to the land so lost by them respectively as aforesaid; and shall take from them respectively or from the person or persons entitled under them to the lands so lost, a release of their estate right and title therein to the people of the State of New York, and deposit the same releases in the office of the treasurer of this State.

Appropriation to Samuel Waterhouse et al., on account of Vermont lands.

And be it further enacted by the authority aforesaid, That the sums so allowed as aforesaid to the said Samuel Waterhouse, Abraham Waterhouse, Abraham Waterhouse junior, Josiah Waterhouse, Roswell Hopkins and Isaac Hopkins, shall be considered as a full compensation for the lands so purchased by them respectively, and so held under the State of Vermont as aforesaid.

Sums deemed full compensation.

CHAP. 55.

AN ACT relative to the academy in the town of Schenectady

PASSED the 6th of April, 1795.

WHEREAS the corporation known by the name of "The trustees of the academy of the town of Schenectady," have by their petition presented to the legislature prayed, that an act might be passed, authorizing them to transfer and convey in legal form for the use of the college herein after mentioned, all and singular the property, real and personal, belonging to them and that thereafter the said corporation may cease. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the said corporation to grant convey and assign all and singular the messuages, lands, tenements and other real

Union College, property of Schenectady Academy may

estate and all and singular the monies specialties effects and other personal estate, held and possessed by them to the corporation lately created and known by the name of "The trustees of Union College in the town of Schenectady in the State of New York," and their successors and assigns for ever, to and for the use of the said college; and from and immediately after such grant conveyance and assignment, the said corporation first above named shall cease.

CHAP. 56.

AN ACT concerning the money paid into the treasury of this State, by the State of Vermont.

PASSED the 6th of April, 1795.

Preamble. WHEREAS by an act entitled "An act appointing commissioners with power to declare the consent of the legislature of this State, that a certain territory within the jurisdiction thereof should be formed into a new State" certain persons therein named were appointed commissioners with full power, or any four or more of them in their discretion as they should judge the peace and interest of the United States in general, and of this State in particular to require the same, and on such terms and conditions, and in such manner and form as they should judge necessary and proper, to declare the consent of the legislature of this State, that such district or territory within the jurisdiction and in the north eastern and northern parts thereof as the said commissioners shall judge most convenient, should be formed and erected into a new State; and with further full power to treat, conclude and agree with any person or persons, or any assemblies or bodies of people, touching the premises or touching the ceding or relinquishing the jurisdiction of this State over such district or territory or touching the securing, or confirming the rights, titles or possessions of lands within such district or territory, held or claimed under grants from the State of New Hampshire while a colony, or under grants, sales or locations made by authority of the government or jurisdiction then existing and exercised in the northeastern parts of this State, under the name and stile of the State of Vermont, against persons claiming the same lands under grants from this State while a colony, or since the independence thereof; and it was thereby further enacted, that whatever stipulations should be made by the commissioners appointed by that act, with any person or persons, or any assemblies or bodies of people touching the premises, or touching the ceding or relinquishing the jurisdiction of this State over such district or territory, or touching the securing of rights titles or possessions of lands within such district, for a compensation for extinguishing the claims to lands within such district, as derived under the late colony of New York, should be for the use of such claimants, although in such stipulations, such compensation should be declared to be for the use of this State or for the people thereof. *And whereas* six of the said commissioners by their certain act bearing date the seventh day of October in the year of our Lord one thousand seven hundred and ninety, did among other things declare, that the legislature of the State of Vermont, should on or before the first day of January, one thousand seven hundred and ninety two, declare, that on or before the first day of June one thou-

sand seven hundred and ninety four, the said State of Vermont would pay to the State of New York the sum of thirty thousand dollars; that immediately from such declaration by the legislature of the State of Vermont, all rights and titles to land within the State of Vermont, under grants from the government under the late colony of New York, or from the State of New York, except where the grants from New York were intended as confirmations of grants from New Hampshire, should cease. *And whereas* the legislature of the said State of Vermont, by an act passed the twenty eighth day of October in the year of our Lord one thousand seven hundred and ninety, did enact, that the said State of Vermont should, on or before the said first day of June one thousand seven hundred and ninety four, pay the State of New York the said thirty thousand dollars. *And whereas* a considerable part of the said sum of money hath been already paid to the treasurer of the State of New York, and is now in the treasury of the same State. In order therefore, to make a just and equitable distribution of the said money so paid, or hereafter to be paid, among the claimants to lands in the said State of Vermont under grants from the late colony of New York.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That Robert Yates, John Lansing junior and Abraham Van Veghten be, and they are hereby appointed commissioners to hear and determine all claims to lands in the said State of Vermont under grants from the late colony of New York, not intended as confirmations of grants from New Hampshire. And that it shall and may be lawful for the said commissioners, or the majority of them to hear and determine the said several claims, and to ascertain what proportion, if any, each claimant ought to receive of the said money so paid by the said State of Vermont, and to give them certificates thereof: And the treasurer of this State is hereby required to pay the sum mentioned in each of the said certificates to the person therein named. *Provided always,* that no part of the said money shall be certified as due to the people of this State for any lands forfeited to their use by the attainder or conviction of any former proprietor, but that the same shall be divided pro rata, between the individual claimants, whose claims shall be allowed and certified accordingly.

Commissioners to determine Vermont land claims

And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them, shall before they proceed to hear any of the said claims, cause advertisements to be published in such and so many of the news papers to be printed in the State of New York and in the State of Vermont as they may think proper, requiring the claimants to exhibit their claims on or before a certain day, not less than nine months from the first publication of the said advertisements.

Advertisements of hearing.

And be it further enacted by the authority aforesaid, That all claimants who shall not exhibit their claims to the said commissioners within one year next after the first publication of the said advertisements, shall be precluded from all compensation whatsoever, other than minors feme covert and persons insane.

One year allowed for presentation of claims.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners or the majority of them at their discretion, to examine the said claimants or any or either of them, or any other person upon oath concerning the said claims, or any or either of them, or any matter or thing relating to the same.

Witnesses to be examined.

And be it further enacted by the authority aforesaid, That the determination of the said commissioners or the majority of them, shall be binding and conclusive.

Determination binding.

Expenses,
how paid.

And be it further enacted by the authority aforesaid That the said commissioners shall be allowed their reasonable expences to be incurred in the execution of the duties enjoined by this act, to be liquidated by the auditor of this State, and paid by the treasurer out of any monies in the treasury unappropriated, and shall be allowed such farther compensation as the legislature shall hereafter direct.

CHAP. 57.

AN ACT for the relief of certain persons claiming lands in the patents therein mentioned.

PASSED the 7th of April, 1795.

Preamble. WHEREAS certain persons claiming to be proprietors of a tract of land in the county of Saratoga commonly called Anthony Van Schaick's or the Half Moon patent of the one part and certain agents for other persons claiming to be proprietors of the tract of land commonly called the patent of Kayaderosseres did petition the legislature on the 11th day of December 1792 in the words following to wit "To the honorable the legislature of the State of New York in senate and assembly convened. The petition of the subscribers proprietors of the patent of Anthony Van Schaick and the agents for the proprietors of the patent of Kayaderosseres. Humbly sheweth. That controversies have arisen between the claimants of the said patent of Van Schaick and the claimants under the said patent of Kayaderosseres touching the boundary lines between the said patents and which said boundary lines are very extensive and controverted. That the prosecution of suits in the ordinary course of law to a final decision on the title and property of the whole of the lands in controversy will be attended with great expence and delay and a manifest injury both to the interest of the individual claimants and to the peace and weal of the community and such final decision on one trial or enquiry cannot be had under a voluntary compact between parties by reason of coverture and infancy of many of the claimants under the said patents without the aid of the legislature. That your petitioners lately entered into an agreement a copy whereof is subjoined to this petition. Your petitioners therefore humbly pray that they may have leave to bring into one of your honorable houses a bill conformably to the said agreement, and that the same may afterwards pass into a law and your petitioners will ever pray." Which petition and agreement was subscribed, "Dirck Lefferts James I. Beekman, Daniel Campbell, Nicholas Low, Christina Van Schaick, Jacob C. Ten Eyck, Anna Ten Broeck Gerretje Faulkener Coenradt A. Ten Eyck Barent Ten Eyck, Peter Gansevoort Margretta Barclay Catherine Bridgen Charles Bridgen attorney to Thomas B. Bridgen."

And whereas another petition was presented to the legislature on the 14th day of February 1793 in the words following to wit. "To the honorable the legislature of the State of New York in senate and assembly convened. The petition of the subscribers part owners and agents of the patent called Shanandhoi or Clifton park, of the patent called Van Schaicks and of the patent called Kayaderosseres. Humbly sheweth. That controversies have arisen and do subsist between the said several patents touching the boundary lines thereof which are extensive and various. That the prosecution of suits in the ordinary course of law to

a final decision of all the lands in controversy will be attended with great expence and delay to the manifest injury of every individual concerned and the peace and welfare of the community at large. That the petitioners have entered into an agreement (copy of which is hereunto annexed) to apply for legislative aid as by reason of coverture and the infancy of many no final compact can be entered into by them so as to bind all the parties. Your petitioners therefore humbly pray that they may have leave to bring into one of your honorable houses a bill in conformity to the said agreement and that the same may be passed into a law. And your petitioners will ever pray. January 30th 1793." Which petition and agreement was subscribed "Henry Gage by Peter Kemble and John Watts his attornies Robert Watts Abraham Lott, Abraham Lott for Samuel Huntington, Jacob C. Ten Eyck Elizabeth Peebles Margaret her X mark Barclay Anna Ten Broeck Peter Gansevoort Dirck Lefferts James I. Beekman Abraham Schuyler Mark Beekman Leonard Gansevoort Jno. Ja. Beekman Nanning H. Visscher Daniel Campbell Barent Ten Eyck." Whereupon the leave prayed for in the said several petitions was granted and an act entitled "An act to ascertain and settle the limits and boundaries between the patents of Kayaderosseres the patent commonly called the Half Moon patent, and the patent of Shanandhoi or Clifton Park and to bind the title of the respective claimants" was passed on the 11th day of March 1793 by which act Egbert Benson Samuel Jones, Jesse Woodhull Cornelius C. Schoonmaker and Peter Cantine were appointed commissioners finally to ascertain and determine the boundary lines of the said respective patents. And by which act the said commissioners, or any three of them, were authorized and empowered to hear and examine the said controversies and finally by writing under the hands and seals of them or any three of them to fix ascertain and determine the boundary line or lines between the said respective patents.

And whereas three of the said commissioners to wit Egbert Benson Samuel Jones and Peter Cantine by writing under their hands and seals did as by the said act directed fix ascertain and determine certain lines as boundaries of the patents aforesaid.

And whereas the proprietors of the said patent of Anthony Van Schaick or the Half Moon patent, and the proprietors of the patent of Shanandhoi or Clifton Park, had previous to such agreements, petitions, and determination, as aforesaid leased part of the land supposed to be within the said patents, for terms of years for life and lives and in fee; and had also sold part of the lands supposed to be in one or both of the said patents and in due form of law had executed leases and deeds of release for the land so leased and sold to sundry persons not being parties to the said agreements and not subscribing either of the said petitions.

And whereas no public notice was given by the said petitioners or any of them that they intended to apply nor after such application as aforesaid that they had applied to the legislature for the purposes specified in such their agreement and petitions for want of which notice the lessees and purchasers under the proprietors claiming lands in the said patents of Anthony Van Schaick or the Half Moon patent and in the patent of Shanandhoi or Clifton Park had not an opportunity afforded them to shew cause why the prayer of the said petitioners should not be granted.

And whereas such lessees and purchasers as aforesaid and who were not previously advised of such agreements and petitions have prayed for legislative relief in the premises. Therefore

Title of certain persons to lands described not affected by determination of commissioners.

Be it enacted and declared by the People of the State of New York represented in Senate and Assembly That the title of no person whomsoever claiming lands in either of the said patents by lease or by purchase in fee simple and who did not unite in an application to the legislature for the act entitled "An act to ascertain and settle the limits and boundaries between the patent of Kayaderosseres and the patent commonly called the Half Moon patent and the patent of Shanandhoi or Clifton Park and to bind the title of the respective claimants," passed the 11th March 1793 and who did not subscribe such agreements and petitions as aforesaid shall not be bound or any ways affected by the determination of the commissioners or any of them made in pursuance of the provisions in the said act contained any thing in the said act to the contrary notwithstanding.

Act not to affect certain agreements.

And be it further enacted That nothing in this act contained shall be construed deemed or taken to annul or render void any agreement which subsequent to the determination of the commissioners aforesaid hath been made and entered into by and between the proprietors of the patent of Kayaderosseres or any of them with any person or persons claiming lands under the patent of Anthony Van Schaick or the Half Moon patent or with any person or persons claiming lands under the patent of Shanandhoi or Clifton-Park any thing in this act to the contrary hereof notwithstanding.

CHAP. 58.

AN ACT relative to certain confiscated lands in the county of Saratoga.

PASSED the 8th of April. 1795.

Preamble.

WHEREAS it has been represented to the legislature that one undivided third part of lot number seven in the eighth allotment of the Kayaderosseres patent, and one undivided third part of lot number eight in the seventh allotment of the said patent as the same is claimed, surveyed and divided by and between the patentees of the said patent, are forfeited to the people of this State by the attainder of Isaac Low late of the city of New York. That the said lots have been settled and improved by sundry persons, and it being proper, to give the pre-emption of the purchase of the said undivided shares to the actual occupants thereof. Therefore

Quit claim of parts of lots seven and eight in Kayaderosseres patent to occupants.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same That the surveyor general shall as soon as may be after the passing of this act ascertain what occupants are in the actual possession of the said lot number seven, and what occupants are in the actual possession of the said lot number eight, and having so ascertained, shall sell and quit claim on the part of the people of this State, the one undivided third part of the said lot number seven to the actual settlers and occupants thereon as tenants in common in fee simple, and shall in like manner sell and quit claim the one undivided third part of the said lot number eight to the actual settlers and occupants thereon. *Provided* that immediately after the executing such quit claims, the grantees therein respectively named, shall execute mortgages for securing to be paid to the people of this State, the sum of five hundred and sixty eight dollars, for the said lot number seven, and the sum of three hundred and three dollars for the said lot number eight, both of which sums shall

Proviso as to mortgages.

be made payable on the first day of January one thousand eight hundred and five, with interest at six per cent per annum, the interest to be annually paid into the treasury of this State, which mortgages shall be in like form as that prescribed in the act entitled "An act for the relief of Nathaniel Mallory and others," and which mortgages shall be good and effectual in the law, and shall be preferred to all other charges and incumbrances whatsoever on the undivided shares in the said lots so to be mortgaged, made or suffered or to be made or suffered by any such mortgagor or mortgagors. *And provided also*, that such grantees as aforesaid shall pay all the expences which shall accrue in the premises. And the surveyor general shall cause the mortgages so to be taken to be proved or acknowledged, and registered according to law, and then deliver the same to the treasurer of this State.

CHAP. 59.

AN ACT for the relief of Peter Yates.

PASSED the 8th of April, 1795.

WHEREAS a court martial was held by order of the governor of this State in the year one thousand seven hundred and eighty, for the trial of certain delinquents in the regiments of militia then commanded by Colonel Lewis Van Woert and Colonel Alexander Webster. *And whereas* Colonel Peter Yates the president of the said court became answerable to the persons at whose houses the said court was held for certain expences incurred by the members thereof, and which expences ought to have been paid out of the fines laid on the said delinquents by the said court, but before any of the said fines could be collected, the inhabitants of Vermont extended their jurisdiction over the territory where the said regiment resided which prevented the collection of the said fines, and the said expences have been demanded of the said Peter Yates and a suit or suits brought against him for the same or some part thereof. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the auditor of this State to audit liquidate and settle the accounts of the said expences and of the costs and charges the said Peter Yates has been put to by any suit or suits brought against him on account thereof, and to ascertain and certify the sum so due as aforesaid; and the treasurer is hereby directed to pay the amount thereof to the said Peter Yates or his order.

Account
of Peter
Yates.

CHAP. 60.

AN ACT for the relief of Alexander Whaley and Abraham Mabie.

PASSED the 8th of April, 1795.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this State and he is hereby directed to pay to Alexander Whaley, the sum of four hundred and

Appropriation
to
Alexander
Whaley.

sixty five pounds with lawful interest from the twenty first day of March one thousand seven hundred and eighty five in satisfaction of the money paid by him for twenty acres of land at Bushwyck in King's county purchased by him of the people of this State, and lately recovered from him by the heirs of Abraham Rapalje deceased; and also the further sum of one hundred and forty six pounds twelve shillings for monies by him expended in defence of the said lands, and for his costs and disbursements therein. *Provided always*, that the said Alexander Whaley shall on payment of the said money, deliver the conveyance for the said twenty acres of land to the treasurer of this State, and release all his right title and interest of and in the premises thereby conveyed to him, and all claim to any further compensation for the same to the people of this State. And

Whereas Abraham Mabie purchased of the people of the State of New York a certain piece of land with mills thereon, lying in the county of Orange, which was forfeited by the attainder of Cornelius Mabie.

And whereas the said Abraham Mabie sold the said land and mills to a certain John D. Haring and covenanted that the same were free from incumbrance.

And whereas two several suits have been commenced in the court of common pleas in the county of Orange against the said John D. Haring as tenant of said land for legacies chargeable on the said land previous to the attainder of the said Cornelius Mabie and judgments have been had thereon.

And whereas the amount of the said judgments with the costs of suit have been paid by the said Abraham Mabie to the said John D. Haring. Therefore.

Appropriation to Abraham Mabie.

Be it further enacted by the authority aforesaid, That it shall be lawful for the treasurer of this State, and he is hereby directed to pay to the said Abraham Mabie the sum of one hundred and fifty two pounds eight shillings and four pence with lawful interest for the same from the third Tuesday in October in the year one thousand seven hundred and ninety three, it being the amount of the sum recovered against the said John D. Haring in the said suits. And also the further sum of twelve pounds fourteen shillings for monies by the said John D. Haring expended in defending the said suits and for his costs and disbursements therein. *Provided* there be so much money in the treasury arising from the sale of the said estate of the said Cornelius Mabie.

CHAP. 61.

AN ACT to incorporate the contributors to the New York Dispensary.

PASSED the 8th of April, 1795.

Preamble.

WHEREAS it is represented to the legislature that John Rodgers John Henry Livingston, Abraham Beach John Watts Mathew Clarkson, Jacob Morton, Moses Rodgers, John Charleton, Samuel Osgood Lawrence Embree, John Cozine, John Broom and James Watson and their associates, inhabitants of the city of New York have become contributors to a dispensary for the purpose of relieving such sick, poor and indigent persons as are unable to procure medical aid.

And whereas it is further represented that the said contributors will by being incorporated be enabled to carry their benevolent intentions into more extensive effect. Therefore.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the said John Rodgers, John Henry Livingston, Abraham Beach John Watts, Mathew Clarkson, Jacob Morton, Moses Rodgers John Charleton, Samuel Osgood, Lawrence Embree, John Cozine, John Broome and James Watson together with their associates being contributors to the said dispensary and such other persons as shall hereafter become members of the corporation hereby erected shall be and are hereby ordained constituted and declared to be one body corporate and politic in fact and in name by the name of The Trustees of the New York Dispensary and that by that name they and their successors for ever hereafter shall and may have succession and may by the said name be persons capable in the law to sue and be sued implead and be impleaded answer and be answered unto defend and be defended in all courts and places whatsoever, in all manner of action and actions, suits complaints matters and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure, and that they and their successors by their said name, shall for ever hereafter be persons capable in the law to purchase take hold, receive and enjoy to them and their successors, any real estate whatsoever, and all other hereditaments of whatsoever nature kind or quality they be in fee simple, for term of life or lives or in any other manner howsoever and also any goods chattels and personal estate whatsoever; *provided always* the yearly income of the said real and personal estate and hereditaments doth not at any time exceed the sum of twelve hundred pounds current money of New York, and that they and their successors by the same name shall have full power and authority to lease the said real estate and hereditaments on such terms as they shall judge most beneficial and also to dispose of all such personal estate at their will and pleasure as they shall judge most beneficial and advantageous to promote the humane purposes of the said corporation.

New York
Dispensary
Incorporated.

And be it further enacted That there shall be forever hereafter thirteen trustees of the said corporation who shall conduct and manage the affairs of the said corporation that the said trustees shall be contributors to the said dispensary actually resident in the said city of New York and the first trustees of the said corporation shall be John Rodgers John Henry Livingston Abraham Beach, John Watts Mathew Clarkson, Jacob Morton, Moses Rodgers, John Charleton, Samuel Osgood, Lawrence Embree John Cozine, John Broome and James Watson who shall hold their said offices until the second Monday in January next ensuing. And for keeping up the succession in the said offices.

First
trustees.

Be it further enacted That on the said second Monday in January next ensuing and yearly and every year for ever thereafter on the second Monday in January in every year the members of the said corporation shall meet at some convenient place in the city of New York to be fixed by the bye laws of the said corporation and there by the majority of such of them as shall so meet shall by ballot elect thirteen of their members to be trustees of the said corporation for the year ensuing who shall immediately enter upon their said offices and hold the same from the time of such election for and during the space of one year and until others shall be elected in their stead and in case any of the said persons elected to be trustees of the said corporation or who shall hereafter be elected thereto, shall die or remove out of the city of New York before the time of their appointed service shall expire, or shall refuse or neglect to act in and execute the said office, then and in every such case the remaining trustees of the said corporation shall within thirty days thereafter by ballot elect another or others of the members of the said cor-

Election of
trustees.

poration in the stead of him or them so dying or removing refusing or neglecting to act and that such person or persons as shall have the greatest number of votes at every such election, shall hold their said offices from the time of such election until the second Monday in January then next ensuing, and until other or others shall be chosen in his or their stead.

Duty of trustees.

And be further enacted, That the trustees of the said corporation shall regularly meet on the third Monday in every month and at such other times as they may judge, expedient, and that any seven or more of the said trustees, being so convened together shall for ever hereafter be a legal meeting of the said corporation, and that at any and every such legal meeting of any seven or more of the trustees of the said corporation it shall be lawful for them or a majority of them, to make such bye laws rules and regulations for the management and disposal of the property and estate of the said corporation and the government of the said dispensary, and the same or any part of them to alter amend or repeal from time to time as they or a major part of them so met shall think proper; *provided* such bye laws rules and regulations be not repugnant to the constitution and laws of the United States, or of this State, and that at any such legal meeting of any seven or more of the said trustees of the said corporation, it shall and may be lawful for them, or the majority of them so met as aforesaid, to nominate and appoint one of the said trustees of the said corporation to be their president, and one other to be treasurer and any other competent person to be secretary of the said corporation and also to appoint so many physicians surgeons, apothecaries officers and servants and with such compensations as to them shall seem meet and whenever they shall think proper to discharge them or any of them and to appoint other or others in their stead.

Membership, how obtained.

And be it further enacted That any male adult person who shall contribute for the benefit of this corporation the sum of five dollars shall by virtue of such contribution become a member thereof, and continue so to be, for the space of one year from and after the time of his making such contribution and any like person who shall contribute ten dollars for the like purpose shall be a member thereof two years; and any like person who shall contribute any greater number of sums of five dollars each, not exceeding nine shall be a member of the said corporation such number of years not exceeding nine as shall be equal to the number of sums of five dollars each, so by him contributed and any like person who shall contribute fifty dollars for the like purpose shall be a member of the said corporation for life and every contributor of the value of five dollars or upwards shall be entitled to have such number of patients (being proper objects of this institution) on the dispensary list, and for such term of time as shall be prescribed by the bye laws of the corporation.

Reports of trustees.

And be it further enacted, That it shall be the duty of the trustees of the corporation hereby created to exhibit annually between the first and last days of May in each year to the chancellor of this State a full and particular account of all the estate both real and personal then vested in the said corporation and of the rent or income thereof attested by the oath of the treasurer thereof that the same is a true and perfect account, together with a particular and detailed account of all the monies expended by the said corporation in the preceding year specifying the several purposes to which it has been applied, and if it shall appear to the said chancellor that the amount of the said property or the disposal of the same is not agreeable to the true intent and meaning

of this act he shall report the same to the legislature at their next ensuing session.

And be it further enacted That this act shall be and is hereby declared to be a public act and shall be construed benignly and favorably for every beneficial purpose herein intended. Act deemed a public act.

CHAP. 62.

AN ACT to enable the trustees of Southampton in the county of Suffold to fence across a certain beach or highway called Hog-neck Beach.

PASSED the 8th of April, 1795.

WHEREAS it has been represented to the legislature by the trustees of the town of Southampton in the county of Suffolk, that they have granted to the trustees of the temporalities of the religious congregation at Sagharbor in the said town, a certain beach called Hog-neck Beach, for the better enabling the said religious congregation to support the gospel; and that the said beach is a highway, and that the said meadow will be of little value to the said religious congregation unless the trustees of the said town be enabled by law to fence across the same; therefore, Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful, for the trustees of the said town of Southampton, to enclose the said beach and meadow by fencing across the same at such place or places as they shall deem most convenient: *Provided always* That the said trustees shall keep and maintain good and sufficient gates at every place where they may fence across the said beach, to be of such dimensions and so constructed that travellers teams and carriages may at all times be able to pass through the same. And if any person or persons shall break, injure, or leave open any or either of the said gates, or shall break down the fence adjoining to the same, at any time when the said meadow and beach may be enclosed as aforesaid; every person so offending shall for every such offence forfeit and pay the sum of forty shillings to be recovered by action of debt with costs of suit before any justice of the peace in and for the said county, the one half of which sum when so recovered shall be paid to the overseers of the poor of the said town, to be applied to the support of the poor in the said town and the other half shall be for the use of the person or persons prosecuting for the same. Hog-neck beach may be enclosed
Proviso as to swinging gates.

CHAP. 63.

AN ACT for the relief of Mary Morrison and others,

PASSED the 8th of April, 1795.

WHEREAS Mary Morrison widow of Malcom Morrison deceased whose estate became forfeited to the people of this State hath petitioned the legislature for her right of dower in the estate of the said Malcom Morrison. Preamble.

And whereas it appears to the legislature that the said Mary Morrison is entitled to the sum of nine hundred and four pounds nineteen shillings the present value of an annuity of one hundred pounds on a single life of fifty three years (being the age of the said Mary Morrison) calculated on the principles referred to in the concurrent resolutions of both houses of the legislature of the third and fourth days of April in the year one thousand seven hundred and ninety two. Therefore

Appropriation to Mary Morrison for right of dower.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer of this State shall and he is hereby directed to pay to Mary Morrison or her legal representative or attorney which said Mary is the widow of Malcom Morrison deceased whose estate became forfeited to the people of this State the sum of nine hundred and four pounds nineteen shillings for her right of dower in the lands and tenements whereof her said husband was seized in the eastern district of this State and which have been sold by the commissioners of forfeitures for the said eastern district upon her executing either in person or by her legal representative or attorney and delivering to the treasurer a release of her dower and right of dower of and in the said lands and tenements to the people of this State and to the persons respectively holding the same lands and tenements.

And whereas it appears to the legislature that Dorothy Kip widow of Benjamin Kip deceased whose estate became forfeited to the people of this State is entitled to the sum of thirty pounds eighteen shillings and nine pence the present value of an annuity of nine pounds six shillings and eight pence on a single life of seventy seven years. And that Peggy Kissam widow of Daniel Kissam whose estate became forfeited as aforesaid is entitled to the sum of two hundred and sixteen pounds sixteen shillings and eight pence the present value of an annuity of thirty three pounds six shillings and eight pence on a single life of sixty six years in satisfaction of their respective rights of dower in the estates of their said husbands on the principle referred to in the concurrent resolutions aforesaid. Therefore

Appropriation to Dorothy Kip.

Be it further enacted That the treasurer of this State shall and he is hereby directed to pay to Dorothy Kip or her legal representative or attorney which said Dorothy is the widow of Benjamin Kip deceased whose estate became forfeited to the people of this State the sum of thirty pounds eighteen shillings and nine pence; and to Peggy Kissam or her legal representative or attorney which said Peggy is the widow of Daniel Kissam deceased whose estate became forfeited to the people of this State the sum of two hundred and seventeen pounds sixteen shillings and eight pence for their respective rights of dower in the lands and tenements whereof their said husband were seized in this State and which have been sold by the commissioners of forfeitures upon their executing respectively either in person or by legal representative or attorney and delivering to the treasurer a release of their respective rights of dower of and in the said lands and tenements to the people of this State and to the persons respectively holding the same lands and tenements.

CHAP. 64.

AN ACT for the relief of the representatives of Ellis Fitzsimmons.

PASSED the 8th of April, 1795.

WHEREAS Sir William Johnson late of Johnson Hall in the then county of Tryon in the then province now State of New York baronet, by his last will and testament devised to his brothers and sisters certain tracts of land, and directed the same to be sold and the monies arising therefrom to be equally divided between them and their heirs. *And whereas* great part of the said lands have been sold in pursuance of the said will, and some part thereof remains unsold; but Ellis Fitzsimmons one of the sisters of the said testator being dead, and it being uncertain; whether the part devised to her has not been vested in his heir at law, whose estate has become forfeited and vested in the people of this State, and it being reasonable that the issue of the said Ellis Fitzsimmons should have the benefit of the said devise to her. Therefore

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the right title interest claim and demand of the people of the State of New York of, in and to the monies arising and to arise from the sales of the said lands, shall be and hereby is granted to Charles Robert Johnson administrator of, etc., of Ellis Fitzsimmons. *Release to Charles Robert Johnson, administrator of, etc., of Ellis Fitzsimmons.*

and credits which were of the said Ellis Fitzsimmons, to be distributed among her children and their representatives in the same manner as if she survived the testator. And that it shall and may be lawful for the executors of the testament and last will of the said Sir William Johnson, to pay to the said Charles Robert Johnson for the purpose aforesaid the proportion of the money arising and to arise from the sale of the said land which would have belonged to the said Ellis Fitzsimmons, if she was now living notwithstanding any right or claim of the people of this State to the same.

CHAP. 65.

AN ACT for the relief of David Richard Floyd Jones, and the orphan children of John Amory.

PASSED the 8th of April, 1795.

WHEREAS David Richard Floyd Jones by his petition to the legislature hath set forth, that there are some small pieces of land of little value in Suffolk county belonging to the people of this State by the attainer of his father Richard Floyd deceased which have not been sold by the commissioners of forfeitures, and prays that the same may be vested in him for his own use: Therefore.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all the lands in Suffolk county, belonging to the people of this State by the attainer of Richard Floyd, and not sold by the commissioners of forfeitures or by the surveyor general, be and the same is hereby vested in the said David Richard Floyd Jones and to his heirs and assigns for ever. *Lands vested in David Richard Floyd Jones.*

And whereas a petition hath been presented on the part of the orphan children of John Amory, heretofore convicted of adhering to the enemies of this State, praying, that the residue of the property forfeited to the people of this State by the conviction of the said James Amory, and which hath not been discovered and sold by the commissioners of forfeitures or by the surveyor general may be vested in the said children. *And whereas* in consideration of the youth and indigency of the said children, it is proper that the prayer of the petition should be granted. Therefore

Lands
vested in
children of
John
Amory.

Be it further enacted by the authority aforesaid, That all the lands in this State belonging to the people thereof by the conviction of the said John Amory, and which have not been sold by the commissioners of forfeitures or by the surveyor general, be and the same are hereby vested in such of the children of the said John Amory as are now resident within this State, and to their heirs and assigns respectively forever as tenants in common.

Lands
vested sub-
ject to
debts of
former
owners.

And be it further enacted by the authority aforesaid, That the land by this act granted to the said David Richard Floyd Jones and the children of the said John Amory, shall be subject to debts in like manner as if the same lands had descended to them severally in a due course of law.

Lands
vested in
Cadwalla-
der D.
Colden.

And be it further enacted by the authority aforesaid, That all the estate real and personal both in law and equity, either in possession, reversion or remainder of David Colden late of Queens county which was forfeited to and became vested in the people of this State by virtue of the act entitled "An act for the forfeiture and sale of the estates of persons who have adhered to the enemies of this State and for declaring the sovereignty of the people of this State in respect to all property within the same; and which have not been sold by or come to the knowledge of any of the commissioners of forfeitures within this State, shall be, and the same is hereby declared to be vested in Cadwallader D. Colden, the only son, of the said David Colden, his heirs and assigns forever, in trust nevertheless, and to and for the use of all the children of the said David Colden and to their heirs and assigns respectively forever, as tenants in common; and that it shall be lawful for the said Cadwallader D. Colden in his own name but for the uses aforesaid, to sue for and recover the same, in any court of law or equity within this State. *Provided* that this act shall not extend to any debts or demands remitted by the sixth section of the act entitled "An act relating to the forfeited estates.

CHAP. 66.

AN ACT concerning locations of lands.

PASSED the 8th of April, 1795.

Preamble. WHEREAS it is represented to the legislature by the surveyor general that several locations of land have been made which from various causes are become void, and the parties interested therein are without remedy. Therefore

New loca-
tions in
place of
void loca-
tions.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for the parties interested in any such location, to cause a new location to be made upon any unappropriated land which

was subject to locations at the time such former location was made. And the commissioners of the land office are hereby directed to grant letters patent for the land so to be located in the same manner and upon the same terms, as they might have done by law at the time such former location was made. *Provided always*, that every such new location shall be made, and the land so located be surveyed at the expense of the person so locating, and letters patent for the same sued out on or before the first day of March next, otherwise such new location shall become void.

Whereas it appears that Robert Woodworth John Van Rensselaer and others did in the year of our Lord one thousand seven hundred and eighty two furnish an able bodied man, to serve in one of the regiments of this State, then in the service of the United States agreeably to an act entitled "An act for raising troops to complete the line of this State, in the service of the United States; and the two regiments to be raised on bounties of unappropriated lands, and for the further defence of the frontiers of this State" passed March 23d 1782 by virtue of which act the said Robert Woodworth and his associates became entitled to a bounty of six hundred acres of land. *And whereas* it appears that the said Robert Woodworth, and others have not heretofore received the benefits intended in and by the said act, by reason that the said John Van Rensselaer is since deceased. Therefore,

Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the land office and they are hereby required to grant unto the said Robert Woodworth and others his associates belonging to the said class to be surveyed at his or their own expence six hundred acres of land out of any of the unappropriated lands belonging to the people of this State.

Grant to
Robert
Wood-
worth and
associates.

CHAP. 67.

AN ACT to enable certain persons therein named to purchase and hold real estates within this State.

PASSED the 8th of April, 1795.

Be it enacted by the people of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall be lawful for John Stark Robertson, Luke Usher, Peter Charles L'Enfant, William Furse, William Hobrow, Thomas Hobrow, Edward Grant, John Dawson, John Eastmond, Matthew Darbyshire, John Mouchon, Thomas Almond, George McKay, John Carrol, Philip Smyth, John McElwain, Alexander McElwain, Ann Van Vleck, William Gilzean, Nicholas Olive, George Foose, Jean Joseph Alexis Robert, Pierre d'Verry, Jean Baptist Cassan, Walter Morgan, John Burgess, Thomas Billinghamurst, William Agate, Benjamin Johnston, Harry Billinghamurst, William Agate, George Stear, John Agate, Richard Caffi, Henry Matthews, William Steer, James Lakin Robert William Cosbrough, Alexander Goutier, Clement Sadlier, Rebeckah Sadlier, Francis Sadlier, John Carleton Sadlier, Clement Sadlier junior, Richard Washington Sadlier, Henry Sadlier, Carleton Sadlier, Hugh Baker Sadlier, David Purdy, Charles Harford, Jonathan Marriott, John Anthony Beck, Francis Below, Vincent Faure, William Le Villiard, John Millson, Thomas Casy, Samuel Maurice, John Chapman, Benjamin Sanders, John Bragg, James Butterworth, Nathaniel Hopkins, Nicklas Pritchard, Peter Blake, Thomas

Persons
named
may hold
lands in
this State.

Pye, Mathew Hawkins, Joseph Thompson, James Tinline, William McDonagh, Robert Bradley, Robert Connely, Dennis Terme, Pierre Jarrassay, James Murray, Pierre Blanckard, Joseph Pierre Andre Malin, F. Louvrier St. Marie, Henry Cheriot, Joseph Paul Augustin de Cambefort, Lewis H. Gurlain, John Slattery, Ann Slattery, Jeremiah Slattery, Andrew Slattery, John Slattery junior, Joseph Slattery, Edmond Slattery, Elin Slattery, Julien Bouvier, James Laughton, John Milson, Robert Whitney, Edward Moore, Richard Phillips, Peter Swinburne, James Eakins, John Blaney, John Harmar, Thomas Powell, Thomas Law Michel Marsons and William Mayne Duncanson, severally to take, and hold lands tenements and hereditaments within this State, and respectively to have and hold the same to them, and to their respective heirs and assigns forever, as fully, to all intents and purposes, as any natural born citizen may or can do, any law, usage or custom to the contrary notwithstanding.

Lands not to escheat to people.

And be it further enacted by the authority aforesaid That no lands tenements or hereditaments heretofore purchased by any of the persons herein before named, shall escheat or become forfeited to the people of this State by reason or on account of such persons then being aliens but all such lands tenements and hereditaments shall be understood as having vested in such purchaser or purchasers, any law to the contrary thereof notwithstanding. *Provided always*, that no alienation of any lands purchased or to be purchased or held by virtue of this act shall be good and effectual in the law, other than to a citizen or citizens of the United States.

CHAP. 68.

AN ACT relative to the funds of this State.

PASSED the 9th of April, 1795.

Commissioners of United States stock.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the person administering the government of this State for the time being, together with the treasurer thereof and Robert R. Livingston and Gulian Verplank shall be and hereby are appointed commissioners, any two of whom together with the person administering the government of this State for the time being shall form a quorum for the following purposes, to wit; to determine on such principles for disposing of the stock of the United States bearing, or to bear, an interest of six per centum per annum and standing in the books of the treasury of the United States to the credit of Gerard Bancker the treasurer of this State, either by direct exchange, or by sale and re-purchase, as in their judgment, they shall deem most beneficial to the interest of the people of this State, and in such manner as shall afford the best prospect of future permanent revenue, and having so determined, shall direct the treasurer of the State for the time being, to make such exchange, sale and re-purchase in conformity to the principles which shall be so determined, and to report the result of their proceedings in the premises at every future meeting of the legislature.

Notice to holders of certificates to produce same for payment.

And be it further enacted by the authority aforesaid, That the said treasurer shall be and he is hereby enjoined as soon as may be after the passing of this act, by notice to be published in at least one of the news papers printed in each of the great districts of this State, to require the holders of certificates issued from the treasury of this State, and signed

by the treasurer thereof, and certificates issued by John Haring, Joseph Gasharie and Thomas Moffat, pursuant to the act entitled "An act to liquidate and settle the accounts of the troops of this State in the service of the United States," passed the 4th of October 1780" and the act entitled "An act to empower the auditors to liquidate and settle the accounts of the troops of this State in the service of the United States to grant certificates to the troops of this State in the service of the United States for their pay accrued for the time therein mentioned" passed the 6th of April 1784, and certificates issued by Peter T. Curtenius State auditor for seven years half pay to widows and orphans of officers and soldiers of the line of this State agreeable to an act passed the 17th day of April 1784," to bring the same to the treasury, and receive payment therefor.

And be it further enacted by the authority aforesaid That the said treasurer shall pay the nominal principal, and the interest accrued thereon, for all such certificates as were issued for specie value, and having reduced to specie value all other certificates not given for such value by the scale of depreciation established by law, shall pay the principal sum so reduced, together with the specie value interest accrued thereon. *Provided* that if any of the certificates of either of the descriptions aforesaid, shall not be presented for payment before the first day of January next, no interest accruing after the said day shall be allowed or paid thereon.

Payment
of certifi-
cates.

And be it further enacted by the authority aforesaid, That the said treasurer shall in manner aforesaid, require the holders of any of the bills of credit issued by virtue of the act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned" passed the 18th of April 1786, to present the same at the treasury, and to receive payment therefor on or before the first day of August next, and no bills of the said emission shall be paid after the said day.

Bills of
credit.

And be it further enacted by the authority aforesaid, That every person who after the third Tuesday of June last, was indebted to the people of this State for money loaned by any of the loan officers within this State in conformity to the act entitled "An act for emitting the sum of two hundred thousand pounds in bills of credit for the purposes therein mentioned" passed the 18th of April 1786, and who have paid what was due on the principal and interest of the said loan to the said third Tuesday of June last, shall have the option to retain the whole residue of the principal so due as aforesaid until the third Tuesday in June in the year of our Lord one thousand eight hundred and five, or to pay, the same residue by instalments in conformity to the said act. *Provided always,* that the interest arising on such residue shall be annually paid agreeably to the directions in the said act contained, any thing in the said act to the contrary thereof notwithstanding.

Loans
under act
of 1786.

CHAP. 69.

AN ACT for the relief of Donald Campbell.

PASSED the 9th of April, 1795.

WHEREAS Donald Campbell late a colonel in the army of the United States, a brigadier general by brevet, and a citizen of this State, has by petition respectfully intreated the legislature for a grant of a tract of

Preamble

land. And the legislature in consideration that he hath not received any bounty lands from this State, being willing to comply therewith. Therefore

Land grant
to Donald
Campbell.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful, to and for the surveyor general of this State, to survey and lay off, in one entire tract, the quantity of five thousand acres of the unappropriated lands of this State, and as nearly in a square as local circumstances will permit, and in such place as Donald Campbell shall locate. *Provided* that such location shall not be made on any lands purchased of the Oneida Onondaga and Cayuga Indians by this State, or on any lands not subject to location, and having so surveyed the same, shall certify the bounds of such tract to the commissioners of the land office, who shall thereupon direct that letters patent be issued to the said Donald Campbell in fee simple and in the usual form, as a free and voluntary gift on the part of the people of this State. *Provided always,* that the said Donald Campbell shall, previous to the issuing of such letters patent, produce to the said commissioners, a receipt of the surveyor general, that he the said Donald Campbell hath paid all the expences of the survey of the said tract.

CHAP. 70.

AN ACT for the better support of the Oneida Onondaga and Cayuga Indians, and for other purposes therein mentioned.

PASSED the 9th of April, 1795.

Preamble.

WHEREAS the Oneida Onondaga and Cayuga tribes of Indians, have sometimes collectively as tribes, and at other times individually leased part of the lands appropriated to their use, to the white inhabitants, and permitted others to settle and improve thereon without lease, which has occasioned controversy between themselves, and between them and such settlers. *And whereas* the said tribes respectively have intreated the legislature to make such arrangement relative to the premises as shall tend to prevent future controversy between themselves, and between them and the white inhabitants settled on and occupying the lands aforesaid, and as shall tend to render the same more productive to the tribes respectively. Therefore.

Agents to
treat with
certain
Indian
tribes rela-
tive to
lands.

I. Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That the person administering the government of this State for the time being, Philip Schuyler, John Cantine, John Richardson and David Brooks, or any three of them shall be and they are hereby appointed agents on the part of the people of this State, to make such arrangements with the Oneida, Onondaga and Cayuga tribes of Indians respectively relative to the lands appropriated to their use as may tend to promote the interest of the said Indians, and to preserve in them that confidence in the justice of this State, which they have so repeatedly evinced to entertain. *Provided always,* that every arrangement which may affect, either any of the said tribes collectively, or any individual thereof or the white inhabitants settled upon the lands so appropriated, shall be adjusted and arranged on the principles following, to wit; if any of the said tribes respectively shall incline, that a part of the lands appropriated to their use, shall be so disposed of, as that an annuity may for

ever hereafter be paid to them, then and in that case, a tract, such as the tribe so inclining shall designate, and such as the said agents shall deem sufficient extent to accommodate each family with a competent farm for their occupation and improvement, shall be surveyed and set apart for that purpose, and if the same tribe shall agree, that the tract so to be set apart for their occupancy, or any part thereof shall be laid into as many lots as the same tribe contain families, then the said agents shall cause the same to be surveyed and laid out into lots accordingly, but if the said Indians should not agree to have a lot assigned to each family, but should agree, that any and every family which chuses may have one lot assigned to its particular use, then the said agents shall cause only such lots to be laid out and surveyed, and shall cause a register of every such lot so appropriated to be made in a book to be provided for that purpose, descriptive of the bounds of each lot, together with the name of the head of the Indian family to whom any lot may be so appropriated, and the names of all the members of the same family, their age and sex; and every lot so appropriated as well as the entire tract so to be set apart (and of the bounds of which, a description shall also be entered in such book) shall for ever hereafter be to the use of the said Indians, either collectively by tribes as a body of people, or individually by families, as the case may be, and shall remain to them and their posterity as an estate or estates unalienable and without power to lease the same, and such register as aforesaid being first certified by the said agents shall be filed in the office of the secretary of this State, and one copy thereof in the clerks office of the county in which the lands are situate, to remain in the said offices respectively as part of the public records.

And whereas it is represented, that differences do exist between the said Onondaga Indians respecting the purchase of some of their lands heretofore made by the commissioners appointed for that purpose on the part of this State. Therefore

II. *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said agents to take such measures as to them shall appear proper to reconcile the said Indians, and by an instrument in writing under their respective hands and seals, to obligate the people of this State to pay unto the said Indians instead of their annuity of four hundred and ten dollars, such annuity as the said agents in their discretion shall agree upon with the said Indians, not exceeding eight hundred dollars, to commence as on the day stipulated for the payment of the said last annuity, which annuity so to be granted, shall be annually distributed amongst the said Indians in such manner as they and the said agents shall determine upon, and in case of no such determination, the same shall be annually distributed amongst the said Indians by the person administering the government of this State for the time being in his discretion, after having appropriated a part thereof to the maintenance of the public school, in which the Indian children shall be taught.

Annuity to
be allowed
to Indians.

III. *And be it further enacted by the authority aforesaid*, That for the residue of any of the lands beyond what may be appropriated in manner aforesaid, the said agents shall in their discretion stipulate perpetual annuities on the part of the people of this State, to be paid to the Oneida and Cayuga Indians, and to be annually distributed amongst those tribes respectively by the person administering the government of this State for the time being, in such manner, and at such time and place, as they and the said agents shall determine, and in case of no such determination, the same shall be annually distributed amongst the said Indians by the person administering the government of this State for

the time being in his discretion after having appropriated a part thereof to the maintenance of the public school in each tribe, in which the Indian children shall be taught. *Provided* that such annuities severally shall not exceed an annual interest of six per cent on the principal sum which would arise from the sale of such residue, if the same was sold at four shillings per acre.

Survey of
lands to be
released by
Indians.

IV. *And be it further enacted by the authority aforesaid*, That the tract or tracts for which every such annuity shall be stipulated, shall immediately thereafter be surveyed and laid into lots not exceeding two hundred and fifty acres each by the surveyor general, or such deputy or deputies as he shall thereunto appoint, and being so surveyed and laid into lots, maps and field books thereof shall be filed in the office of the secretary of this State, and one copy of each in the offices of the clerks of the counties respectively in which the lands are situate, and one other copy in the surveyor generals office, to the end, that all persons may have recourse thereto, and on every such map shall be designated any lot or lots which on or before the first day of January last, were occupied by any person or persons, and which shall be certified by the said agents to have been so occupied, with the names of the occupants who hold either by lease where leases have been permitted by law to be granted, or by the free and voluntary consent of any of the said tribes, and such lots shall not be sold, but the remainder and reversion thereof shall enure to the benefit, and behoof of the occupants respectively in manner herein after mentioned. *Provided* that no occupant, who, on or before the said first day of January, possessed any of the lands by the voluntary consent only of any of the said tribes, shall be entitled to the remainder or reversion of any more than two hundred and fifty acres.

And whereas a tract of land has heretofore been appropriated to the common use of the Onondaga Indians and the people of this State. *And whereas* the same is unproductive of any income to the said Indians, and must continue so as long as the same is so held in common. Therefore

Annuity
for release
of all lands
held by
Onondaga
Indians.

V. *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said agents, if the said Onondaga Indians should incline to transfer their common right in the whole, or their common right in any part thereof to the people of this State, to obligate the people of this State to the payment of a perpetual annuity, such as they in their discretion shall judge meet and proper. *Provided* that such annuity shall not exceed five hundred dollars for the whole of the common right of the said Indians and so in proportion for a less part thereof.

Notice of
sale of
lands sur-
veyed.

VI. *And be it further enacted by the authority aforesaid*, That the surveyor general shall without delay, after such maps and field books shall be filed in manner aforesaid, give notice thereof for sixty days successively, in at least two of the news papers printed in each of the great districts of this State, and immediately after the expiration of the term aforesaid, he shall assign a day certain, and place in the city of Albany, on which day, the several lots shall commence to be sold at public vendue, which day shall not be less than sixty nor more than eighty days, from the expiration of the said first mentioned sixty days, which notice shall be published in manner aforesaid.

Sale to
continue
until all
sold.

VII. *And be it further enacted by the authority aforesaid*, That the sale of all the said lots, shall continue from day to day until the whole shall be sold, and each lot shall be separately put up at vendue, and struck off to the highest bidder. *Provided* that none of the said lots shall be sold for less than sixteen shillings per acre.

VIII. *And be it further enacted by the authority aforesaid,* That the conditions on which the lots of land herein before mentioned shall be exposed to public sale shall be as follows, to wit; the purchaser of every lot, shall immediately after the purchase thereof, pay unto the surveyor general, as part of the purchase money, the sum of ten pounds, and it shall be optional with each and every purchaser, either to pay the residue of the purchase money within forty days after such purchase, and take a deed therefor in manner herein after prescribed, or to execute a mortgage therefor in manner herein after mentioned, subject to an annual interest of six per centum, to be annually paid into the treasury of this State within the time to be specified in such mortgage. *Provided always,* that each and every purchaser who shall neglect or refuse to pay the residue of the purchase money before the expiration of the forty days before mentioned, or shall refuse or neglect to take such deed and execute such mortgage shall forfeit to the use of the people of this State the first payment herein mentioned, and the lands on which such forfeiture shall arise, shall as soon as may be after the expiration of the said forty days be again exposed to public sale in manner and on the conditions herein before mentioned.

Conditions
of sale.

And whereas Peter Smith of the county of Herkemer hath obtained a lease from the Oneida Indians for the term of twenty one years, for which term the said Indians were by law authorized to lease part of the tract appropriated to their use. Therefore,

IX. *Be it further enacted by the authority aforesaid,* That every tenant holding of the said tract by sub-lease under the said Peter Smith, and for the term aforesaid, shall have the pre-emption of the remainder and reversion of the lands so leased to him, and the said Peter Smith shall also have the pre-emption of the remainder and reversion of such part of the tract so leased to him, and which shall not have been by him so leased to others. *Provided* that he or they, or such of them as shall be designated by the said agents as entitled shall pay into the treasury of this State before the expiration of sixty days next after the first day on which the sale of the lots herein before mentioned shall commence, a sum of money for each acre so held, equal to the mean price by the acre of the lands in the same tract which shall be sold by the surveyor general at such sale and in manner aforesaid, either by mortgage or by the actual payment of the money by the person entitled, at his or her option, and shall receive a deed therefor in manner herein after prescribed.

Pre-emption
of lands
under lease
to Peter
Smith.

X. *And be it further enacted by the authority aforesaid,* That every person who shall be designated by the said agents, and shall produce their certificate, stating that the person therein named is entitled as a settler occupying of the land of either of the said tribes, (other than of the common land aforesaid) by the free and voluntary consent of the same tribe on or before the said first day of January last shall be entitled to the preemption of the remainder and reversion thereof. *Provided* that the person so certified as entitled, shall within sixty days, to be computed from the commencement of such sale as aforesaid, pay unto the surveyor general of this State, a sum of money for each acre equal to the mean price by the acre of the lands in the same tract which shall have been sold by the surveyor general at such sale as aforesaid, and shall pay the purchase money, or execute a mortgage therefor at his or her option, and shall receive a deed therefor in manner herein after mentioned. *And provided also,* that such rights of pre-emption shall not extend to more than two hundred and fifty acres for each occupant as aforesaid.

Pre-emption
by settlers
under consent
of tribes.

Grant to
Ephraim
Webster.

XI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said agents to cause the tract heretofore stipulated by the Onondaga Indians to be granted to Ephraim Webster to be surveyed, and to lay out such additional tract adjoining thereto and of the lands now belonging to the people of this State, as that the aggregate may be equal to six hundred and forty acres, and to give him a deed therefor in the name of the people of this State as a free and voluntary gift on their part.

Mortgages
for unpaid
purchase-
money.

XII. *And be it further enacted by the authority aforesaid,* That as soon as may be after the sale of the said lots or any of them, and after receiving such part of the purchase money as aforesaid, the surveyor general shall execute conveyances of the same lots to the purchasers thereof in the form herein after prescribed, and shall immediately thereupon take from each purchaser a mortgage on the lot or lots so conveyed to the same purchaser, to secure the payment of the residue of the purchase money in the form herein after prescribed, and cause the same mortgages to be registered in the office of the clerk of the county in which the lands so mortgaged shall be situated and then deliver the said mortgages to the treasurer of this State.

Form of
deeds.

XIII. *And be it further enacted, by the authority aforesaid,* That the conveyances so to be given by the said survey general shall be in the following form, that is to say; "This indenture made the day of in the year of our Lord one thousand seven hundred and ninety between surveyor general of the State of New York of the first part, and of of the second part; Witnesseth, that the said surveyor general for and in behalf of the people of the State of New York in pursuance of an act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned" passed the day of 1795. And for and in consideration of the sum of to him in hand paid by the said the receipt whereof is hereby acknowledged; and of the further sum of secured to be paid according to the direction of the said act, hath granted, bargained, sold, released and confirmed, and by these presents, doth grant, bargain, sell, release and confirm unto the said heirs and assigns, all that together with all manner of improvements, hereditaments and appurtenances to the same belonging or in any wise appertaining, and all the estate, right, title, interest, claim, and demand whatsoever of the people of the State of New York, of, in and to the said premises, and of, in and to, every part thereof; to have and to hold all and singular the said premises hereby intended to be conveyed, and every part thereof with the appurtenances unto, and to the only proper use and behoof of the said heirs and assigns for ever. In witness whereof the said the surveyor general of this State hath hereunto subscribed his name and affixed his seal the day and year first above written." And every such conveyance shall be sufficient and effectual to convey all the estate, right, title, interest, claim and demand of the people of this State, of, in, and to the land intended to be conveyed thereby to the purchaser or purchasers therein named, and to his her or their heirs forever.

Form of
mortgages.

XIV. *And be it further enacted, by the authority aforesaid,* That the mortgages to be taken by the said surveyor general, shall be in the following form; "This indenture made the day of in the year of our Lord one thousand seven hundred and ninety between of of the first part; and the people of the State of New York of the second part witnesseth, that the said for and in consideration of the sum of to him in hand paid for

and in behalf of the people of this State, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released and confirmed, and by these presents doth grant, bargain, sell, release and confirm unto the people of the State of New York, all that _____ together with all manner of improvements hereditaments and appurtenances whatsoever to the same belonging or in anywise appertaining, and all the estate, right, title, interest, claim and demand whatsoever of the said _____ of, in and to the said premises hereby intended to be conveyed, and of, in and to every part thereof with the appurtenances; to have and to hold the said premises hereby intended to be conveyed and every part thereof with the appurtenances unto the people of the State of New York forever. *Provided always* that if the said _____ heirs executors administrators or assigns, shall pay or cause to be paid unto the treasurer of this State for the time being, for the use of the people of this State, the interest of the said sum of _____ at the rate of six pounds per cent per annum on the first Tuesday of July yearly and every year, and the said principal sum of _____ with all the interest then due for the same, when the same shall be demanded by the treasurer of this State for the time being, for and in behalf of the people of this State, at any time after the first Tuesday in July which will be in the year of our Lord one thousand eight hundred and five, then the above grant bargain and sale, and every article and clause thereof shall be void; but if failure be made in any of the payments abovementioned, then the above bargain and sale is to remain in full force and virtue, and the said _____ for _____ heirs and assigns hereby agrees to be absolutely barred of and from all equity of redemption of the premises after the expiration of one year after such failure; and the said _____ for _____ heirs executors and administrators hereby covenants grants and agrees to and with the people of the State of New York that he the said _____ heirs executors or administrators shall and will well and truly pay the interest of the said sum of _____ at the rate aforesaid annually on the first Tuesday of July in every year, and the said principal sum of _____ with all the interest then due thereon when demanded as aforesaid after the first Tuesday in July, which will be in the year of our Lord one thousand eight hundred and five according to the proviso or condition aforesaid. In witness whereof the said _____ hath hereunto set _____ hand and seal the day and year first above written." Which said mortgages shall be good and effectual in the law, and shall be preferred to all other charges and incumbrances whatsoever, on the said land so mortgaged, made or suffered, or to be made or suffered by such purchaser or mortgagor.

XV. *And be it further enacted by the authority aforesaid,* That the surveyor general shall from time to time account with the auditor of this State for the monies he shall receive and pay in the execution of this act, and pay the ballance to the treasurer of this State. Accounting by surveyor-general.

XVI. *And be it further enacted by the authority aforesaid,* That out of the monies herein after mentioned, it shall and may be lawful to and for the said agents, to pay unto such of the said Indians to whom they shall stipulate an annuity, the amount of such annuity for one year in advance, and shall also defray the expence of the surveys by them to be directed, and such other contingent charges as they may incur in the execution of this act, and shall be allowed their reasonable expences and such compensation as the legislature shall hereafter direct; and shall settle their accounts with the auditor of this State, and report their proceedings to the legislature at the first meeting thereof next after they shall have compleated the arrangements enjoined by this act. Payments to be made by agents.

Appropriation. XVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the treasurer of this State, and he is hereby required to pay unto the said agents, or to the order of any two of them, a sum not exceeding five thousand pounds, to be by them accounted for in manner aforesaid.

Act recited repealed. XVIII. *And be it further enacted by the authority aforesaid,* That the act entitled "An act relative to the Indians resident within this State" passed the twenty seventh day of March, one thousand seven hundred and ninety four, be and hereby is repealed.

Certified copies to be delivered to agents. XIX. *And be it further enacted by the authority aforesaid,* That the secretary of this State, and the surveyor general thereof respectively shall deliver to the said agents or to their order, certified copies of all such contracts agreements and other papers and maps as they said agents shall from time to time require.

CHAP. 71.

AN ACT directing where the courts of common pleas and general sessions of the peace for the county of Saratoga shall be held and for authorizing the sheriff of the said county to remove his prisoners and confine them in the gaol erected in the said county.

PASSED the 9th of April, 1795.

Preamble. WHEREAS a court house and gaol have been lately erected in and for the county of Saratoga. Therefore,

Adjournment of Saratoga courts to new court-house. *Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall be lawful for the judges and assistant justices of the court of common pleas of the county of Saratoga who shall hold the next court or a majority of them and for the justices of the peace in the said county or a majority of them on the first day of the next term or sessions of the said courts respectively or at any time thereafter to adjourn the said courts respectively to the said court-house in the same county and there to hold the said courts.

Jail, transfer of prisoners to. *And be it further enacted* That whenever the commissioners appointed by law to superintend the building of the court-house and gaol in the county of Saratoga shall certify under their hands to the sheriff of the said county that the said gaol is completed so as to be sufficient for the reception of prisoners, that it shall and may be lawful for the said sheriff to remove all prisoners whether confined by process directed to the sheriff of Saratoga or by any court of justice in the same county from the gaol of the city and county of Albany to the said gaol erected in the county of Saratoga and there keep them and each of them in safe custody until they shall be respectively discharged by due course of law

Liability of sheriff for escape during removal *And be it further enacted* That the sheriff of the county of Saratoga shall not be liable to any action or actions of escape or other action at law for the removal of said prisoners or either of them, and if any bill plaint suit or information, shall be commenced or prosecuted against the said sheriff, for removing the said prisoners, or either of them in pursuance of this act it shall be lawful for such sheriff to plead the general issue and give this act and the special matter in evidence, and if the plaintiff or prosecutor in any such action bill plaint suit or information shall become non suit or discontinue or cease to prosecute the same or

if a verdict or judgment be given against him or her the defendant shall recover double costs for which he shall have like remedy as in other cases where costs are given by law to the defendant.

And be it further enacted That in case any prisoner or prisoners shall escape from the custody of the sheriff of the said county of Saratoga during the time of his or her removal and the sheriff shall not retake such prisoner or prisoners and him her or them confine in the gaol to which he she or they ought to be removed by virtue of this act within sixty days next after such escape made the said sheriff shall be liable to all actions for such escape or escapes.

And be it further enacted That the court house and gaol erected in the county of Saratoga shall after such removals of the courts of common pleas and general sessions of the peace and removal of such prisoners be deemed the court house and gaol of the said county.

And be it further enacted That from and after the removal of such prisoners as aforesaid the gaol in the city and county of Albany shall not be deemed the gaol of the county of Saratoga.

New court-house and jail declared to be those of the county Albany county jail

CHAP. 72.

AN ACT authorizing the justices of the peace residing in that part of the town of Schenectady therein mentioned to raise a sum annually by tax for the support of a night watch.

PASSED the 9th of April, 1795.

WHEREAS a number of inhabitants of the town of Schenectady by their petition have represented that so much of the act entitled "An act to impower the justices of the peace residing in that part of the town of Schenectady therein mentioned, to establish and regulate a night watch and for other purposes therein mentioned as relates to the said night watch, is found by experience to be manifestly inadequate to the police and safety of the town. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful to and for the said justices of the peace in the town aforesaid as soon as conveniently may be after the passing of this act and annually thereafter to order the raising a sum not exceeding three hundred pounds by a tax on the estates real and personal of all and every the freeholders and inhabitants living or dwelling in that part of the town of Schenectady which lies to the southward of the Mohawk river and not more than three quarters of a mile distant from the Dutch church in said town to be applied to the payment of so many watchmen as the said justices of the peace shall think necessary to employ for guarding the said town which said sum shall be rated and assessed by the assessors of the said town, and levied and collected in the same manner as hath heretofore been accustomed within the said town for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said town and that the said monies shall be paid into the hands of any one of the justices of the peace aforesaid or to such other person as the major part of such justices shall agree upon to be applied and disposed of from time to time in such manner for the purpose herein before mentioned as the said justices of the peace of the said town or a major part of them shall direct and appoint.

Tax levy on part of town of Schenectady for night watch.

Part of act
recited
repealed.

And be it further enacted That the first section of the herein before recited act, and also the act entitled "An act to amend the act entitled An act to empower the justices of the peace residing in that part of the township of Schenectady therein mentioned to establish and regulate a night watch and for other purposes therein mentioned" shall be and hereby are repealed.

CHAP. 73.

AN ACT for continuing and extending Bancker street in the fifth ward of the city of New York into Pearl street and for widening Beaver lane in the first ward of the said city.

PASSED the 9th of April, 1795

Preamble. WHEREAS it has been represented to this legislature by the mayor aldermen and commonalty of the city of New York that petitions have been presented to them by several inhabitants of the said city who reside or own houses and lots of ground in Bancker street in the fifth ward of the said city praying that measures may be taken for continuing and extending the said street into Pearl street. And also of the residents and proprietors of lots in the vicinity of Beaver lane in the first ward of the said city for the widening of the said street. And also that they the said mayor aldermen and commonalty conceiving the said improvements to be highly useful and beneficial as well to the proprietors of the lots and the inhabitants in the vicinity of those streets as to the public at large have signified their approbation of the measure and have therefore prayed that a law similar to that passed for the improvement of John street may be passed for the improvement of the above mentioned streets. Therefore

Beaver
lane, wid-
ening of.

Be it enacted by the people of the State of New York represented in Senate and Assembly That the said lane called Beaver lane which now is only thirteen feet two inches wide shall be enlarged and widened as follows beginning at a point four feet two inches north of the south east corner of the lot of John Delafield fronting on Broad Way and thence on a straight line to the south east corner of the rere of the lot as the same is now in fence of Augustus Van Cortlandt so that the said street shall be thirty two feet wide from Broad Way to Greenwich street. And the said street called Bancker street shall be continued and extended into Pearl street as follows that is to say the said street shall be continued of its present breadth of forty feet in direct lines through the lot belonging to Lewis Morris the lot belonging to the estate of Isaac Gouverneur deceased and the lot belonging to Charles Le Roux to Pearl street aforesaid. And to the end that reasonable satisfaction may be made for such lots or parts of the lots as may be necessary for the purposes aforesaid the mayor aldermen and commonalty of the city of New York in common council convened shall and may treat and agree with the respective owner or owners thereof or with the person or persons respectively interested therein or with his her or their respective agent or agents or legal representative or representatives. And if such person or persons either or any or all of them shall refuse to treat and agree in manner aforesaid then and in such case it shall and may be lawful to and for the mayor or recorder and any two or more aldermen by virtue of this act, by a precept under their hands and seals to command the sheriff of the said city and county of New York to impanel and return,

Bancker
street ex-
tended.

Award of
damages.

and he is hereby commanded to impanel and return a jury of freeholders to appear before the mayor's court of the said city at any term thereof not less than three weeks from the date of such precept to enquire of and assess the damages due or that shall accrue to such owner or owners thereof respectively of such houses and lots of ground and to notify him her or them by notice to be left at his her or their most usual place or places of abode if they respectively shall reside in the said city and county, but if not then on the premises respectively that may be supposed to be in charge to such jury at least fourteen days before the return of the said precept to appear before such mayor's court at the day and at the place in such precept to be specified which jury being first sworn faithfully and impartially to enquire into and assess the damages in question and having viewed the premises if necessary or required by any or either the owner or owners agent or agents or legal representative or representatives thereof shall enquire of and assess such damages and recompence respectively as they shall under the circumstances judge fit to be awarded to the owner or owners of such respective houses or lots of ground for their respective losses or damages according to their several and respective interests and estates therein and the verdict of such jury and the judgment of the said mayors court thereupon and the payment of the sum or sums of money so awarded or adjudged to the owner or owners thereof or tender and refusal thereof shall be conclusive and binding to all intents and purposes against the said owner or owners his her and their respective heirs executors administrators and assigns claiming any estate or interest of in or to the said houses or ground. And it shall be thereupon lawful to and for the said mayor aldermen and commonalty of the said city of New York and their successors to cause the same ground to be converted to and for the purposes aforesaid.

And be it further enacted That it shall and may be lawful to and for John Stagg George Stanton Joseph Stringham William Depeyster and Anthony Post or a majority of them upon a full and equitable consideration of all the circumstances attending the same to determine what part or proportion thereof specifying the sum that ought to be borne and paid by individual citizens whose estates in the said streets and vicinity thereof will become advanced or increased in value by such improvements and to make a just and equitable assessment of the last mentioned sum among the owner or owners of all the houses and lots in the vicinity thereof according to the benefit they may respectively be deemed to acquire or receive thereby and that the said persons respectively before they shall enter upon the execution of their trust be duly sworn before the said mayor or recorder to make the said estimate and assessment fairly and impartially according to the best of their skill and judgment and a certificate in writing of such estimate and assessment being returned in writing subscribed by the said persons so appointed or a majority of them or a majority of the survivors of them to the said common council and ratified by them shall be binding and conclusive upon the said owner or owners of such houses and lots so to be assessed respectively and the said owner or owners respectively shall thereupon become and be liable and chargeable and they are hereby required upon demand to pay to such person as shall be authorized by the said common council to receive the same the sum at which each such respective house or lot shall be so assessed to be employed and applied for and towards the payment of such losses and damages as may have arisen in consequence of the enlargement and alterations hereby intended to be made to the owner or owners thereof respectively so as aforesaid by

Commissioners to assess the expense on the property benefited.

the jury respectively to be assessed and in default of payment thereof, or any part thereof it shall any may be lawful to and for the said mayor recorder and aldermen of the said city or any three of them of whom the mayor or recorder always to be one by warrant under their hands and seals to levy the sum and sums of money so assessed by distress and sale of the goods and chattels of the owner or owners of such house and lot so assessed and refusing or neglecting to pay the same rendering the overplus if any there be after deducting the sum assessed and the charges of distress and sale to such owner or owners respectively or his her or their legal representative or representatives: And if it should so happen that such owner or owners shall have no goods or chattels to satisfy the assessment aforesaid that then and in such case the same shall be deemed a debt due from the owner or owners thereof his her or their lawful representative or representatives to the mayor aldermen and commonalty of the said city and shall be payable to them within three months after such assessment and moreover shall become a charge or lien and prior incumbrance upon such house and lot of ground into whose hands or possession the same shall then be or at any time thereafter shall come or descend: And the respective owner or owners of such houses and lots of ground respectively at the time of such assessment, shall thereupon become and be respectively liable and chargeable and they are hereby required to pay to the treasurer or chamberlain of the said city for the time being who is hereby authorized to receive the same to the use of the said corporation the sum at which such houses and lots of ground shall be so assessed as aforesaid and in default of payment thereof the same shall and may be recovered at the suit of the said treasurer or chamberlain in any court of record within this State with costs of suit and no such action or suit shall be abated or discontinued by the death of the treasurer or chamberlain of the said city or by his resignation or removal from office but shall be continued and prosecuted to effect by his successor in office.

CHAP. 74.

AN ACT to amend an act for the more speedy recovery of debts to the value of ten pounds.

PASSED the 9th of April, 1795.

Preamble

WHEREAS doubts have arisen whether actions of trespass by the act entitled "An act for the more speedy recovery of debts to the value of ten pounds are made cognizable before any one justice of the peace in this State.

And whereas It tends to the advancement of speedy justice and the saving of costs and trouble that such actions be made cognizable before any one justice of the peace of any city or county within this State and for the removing of such doubts. Therefore,

Actions of
trespass.

Be it enacted, by the People of the State of New York represented in Senate and Assembly That all actions of trespass on any land or other real estate wherein the damages shall not exceed the sum of ten pounds, current money of this State shall be and hereby are made cognizable before any one justice of the peace of any city or county of this State any thing in the above recited act to the contrary notwithstanding.

Provided always that whenever any defendant shall justify on a plea of title in such manner as is prescribed in and by the twelfth section of

the above recited act then the justice shall proceed as in the said twelfth section of the said act is directed.

And be it further enacted That all penalties not exceeding the sum of ten pounds imposed by the act entitled An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns already incurred or hereafter to be incurred shall and may be recovered before any justice of the peace in any city or county of this State where the same penalty hath been or shall be incurred and all suits and actions for any such penalty shall be and hereby are made cognizable before such justice any thing in the said last mentioned act or the act entitled An act to redress disorders by common informers and to prevent malicious information to the contrary notwithstanding.

And be it further enacted That all convictions to be had before any justice of the peace for offences against the said act entitled An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns shall be drawn up in the following form vizt. City of New York (or West Chester county or other city or county as the case shall require) to wit be it remembered that on the day of in the year of our Lord one thousand A. B. of the city of New York (or of Bedford in the county of West Chester or other city or town or county as the case may require) merchant (or farmer or other addition as the case may require and adding being an innholder or tavern keeper if the case be so) is this day convicted before C. D. mayor (or recorder or one of the aldermen) as the case may require) of the said city (or one of the justices of the peace of the said county as the case may require) of having on the day of last (or instant) at in the said city (or county) sold by retail one quart (or other quantity) of rum (or other spirituous liquors) without having such permit (or to be drank in his) or her) house (or out house yard or garden without having entered into such recognizance as is mentioned in the act entitled An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns (or) of not having in his (or her) house two spare beds for guests with good and sufficient sheeting and covering for such beds respectively for the accommodation of travelers (or) of not having good and sufficient stabling and provender (of hay and grain (if in winter and if in summer of hay and pasturage) for four horses or other cattle more than his (or her) own flock for the accommodation of travellers according to the form of the act entitled An act to lay a duty of excise on strong liquors and for better regulating of inns and taverns (or) of having on the day of last (or instant) at in the said city (or county) sold one gill (or other quantity of rum (or other strong liquors) to an apprentice (or servant or slave) of knowing or having reason to suspect or believe him (or her) to be such without the consent of his (or her) master (or mistress) against the form of the act entitled An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns (or) of having for the space of one month (or two or more months) neglected to put up and keep such sign up as is required by the act entitled An act to lay a duty of excise on strong liquors and for the better regulating of inns and taverns given under my hand and seal the day and year first above written and every such conviction shall within thirty days after it is made be filed in the office of the clerk of the city or county where the offence was committed there to remain as a record and may be pleaded in bar to any other prosecution for the same offence.

Penalties
for viola-
tion of
excise law.

Convictions
under excise
law, form
of.

Act extended in regard to constables.

And be it further enacted That the twenty second section of the act hereby amended authorizing the constables in certain counties in this State to execute any summons or precept in any part of their respective counties shall be and hereby is extended to all the other counties within this State.

CHAP. 75.

AN ACT for the encouragement of schools.

PASSED the 9th of April, 1795

Appropriation for support of common schools.

Distribution to the various counties.

Be it enacted by the People of the State of New York, represented in Senate and Assembly That out of the annual revenue arising to this State from its stock and other funds, excepting so much thereof as shall be necessary for the support of government, the sum of twenty thousand pounds, shall be annually appropriated for the term of five years for the purpose of encouraging and maintaining schools in the several cities and towns in this State, in which the children of the inhabitants residing in this State shall be instructed in the English language or be taught English grammar arithmetic, mathematics and such other branches of knowledge as are most useful and necessary to complete a good English education; which sum shall be distributed among the several counties in the manner following until a new apportionment of the representation of the legislature of this State shall be made that is to say,

The city and county of New York shall be entitled to receive the sum of one thousand eight hundred and eighty eight pounds.

The county of Kings the sum of one hundred and seventy four pounds.

The county of Queens the sum of seven hundred and forty four pounds.

The county of Suffolk the sum of eight hundred and forty pounds.

The county of Richmond the sum of one hundred and seventy four pounds.

The county of West-Chester the sum of one thousand one hundred and ninety two pounds.

The county of Dutchess the sum of two thousand two hundred pounds.

The county of Ulster the sum of one thousand four hundred and forty pounds.

The county of Orange the sum of nine hundred and forty four pounds.

The county of Columbia the sum of one thousand three hundred and ninety pounds.

The county of Rensselaer the sum of one thousand one hundred and ninety two pounds.

The county of Washington the sum of one thousand one hundred and fifty two pounds.

The county of Clinton the sum of two hundred pounds.

The county of Albany the sum of one thousand five hundred and ninety pounds.

The county of Saratoga the sum of one thousand and ninety two pounds.

The county of Herkemer the sum of nine hundred and thirty pounds.

The county of Montgomery the sum of eleven hundred and ninety two pounds.

The county of Otsego the sum of eight hundred and forty four pounds.

The county of Onondaga the sum of one hundred and seventy four pounds.

The county of Tioga the sum of three hundred and forty eight pounds and

The county of Ontario the sum of three hundred pounds and the treasurer of this State is hereby required to pay the said several sums of money to the treasurers of the respective counties or to their respective orders on the third Tuesday of March in every year or as soon thereafter as the said monies shall come into his hands *provided nevertheless* that the first of the said annual payments shall be made on the third Tuesday of March in the year one thousand seven hundred and ninety six. And if the annual revenue of the State after deducting what may be necessary for the support of government shall not be sufficient for the payment of the whole of the said sum of money in any one year, then the treasurer of the State shall pay the same out of any monies not otherwise appropriated which may be or may come into the treasury, and if the whole of the said monies not otherwise appropriated shall not be sufficient for that purpose then every such payment shall be made to each county respectively in the same proportion as the whole of the said money is hereby directed to be paid before the next apportionment of the representation in the legislature and after such next apportionment shall be made, every payment to the several counties shall be in proportion to the number of electors for members of assembly in each county. And the treasurers of the respective counties are hereby authorized to retain in their hands the sum of three pence in the pound for every pound of the monies which may come into their hands by virtue of this act as a compensation for their services in receiving and paying the same.

Where revenue of State not sufficient to pay full amount.

And whereas It will be expensive and inconvenient to enumerate the inhabitants of the several towns in every year. Therefore

Be it further enacted That it shall be the duty of the supervisors in each and every of the counties of this State, at their meeting on the last Tuesday of May or within ten days thereafter in every year to apportion the said respective sums among the several towns in their respective counties after having deducted the fees of the treasurers of their respective counties for receiving and paying the same, according to the number of taxable inhabitants which shall appear to be in the several towns in each county, by the tax lists, directed to be annually returned to them by the act entitled "An act for defraying the public and necessary charge in the respective counties of this State and if at their said time of meeting no such tax list shall be returned to them, by the assessors of any one or more of the towns in any county then it shall be lawful for the supervisors to estimate the number of taxable inhabitants in any such town or towns according to the best information that they shall be able to obtain; and when such apportionment shall be completed the supervisors shall certify to each town the sum of money allotted to that town by virtue of this act; and a copy of such certificate, subscribed and sealed by them, shall be delivered to each supervisor present, who shall file the same in the office of the clerk of the town, for which he shall be supervisor, and when any one or more of the supervisors are absent, it shall be the duty of the clerk of the supervisors to transmit such certificates to the clerks of the several towns whose supervisors were not present at such annual meeting, and such clerks shall file the same in their respective offices.

Supervisors to apportion moneys to towns.

School tax
in New
York city.

And be it further enacted That the mayor aldermen and commonalty of the city of New York in common council convened shall yearly and every year during the continuance of this act cause to be raised by a tax in the said city and county a sum equal to one half the sum so appropriated for encouraging and maintaining schools in the city and county of New York by virtue of this act in the same year to be added to and applied in the same manner with the money so appropriated as aforesaid, which said sums of money so to be raised shall be assessed levied collected and paid according to the directions of the act entitled "An act for the more effectual collection of taxes in the city and county of New York.

Id. in other
counties.

And be it further enacted That the supervisors of each of the several other counties of this State shall yearly and every year during the continuance of this act cause to be raised by a tax in each town in the same county a sum equal to one half of the sum to be allotted to the same town in the same year out of the money so appropriated to the county by the State in the same year by virtue of this act to be added to and applied in the same manner with the money so to be allowed to the same town in the same year by virtue of this act which said sums of money shall be raised levied collected and paid to the treasurer of the same county together with and in the same manner as the necessary and contingent charges of the said county are to be raised collected and paid by virtue of the act entitled An act for defraying the public and necessary charge in the respective counties of this State.

Distribution
in
New York
city.

And be it further enacted That it shall and may be lawful for the mayor aldermen and commonalty of the city of New York in common council convened from time to time during the continuance of this act to cause as well the money so appropriated for encouraging and maintaining schools in the city and county of New York as the money to be raised in the said city and county for the same purpose by virtue of this act to be applied as well for the encouragement and maintenance of the several charity schools as of all other schools in which children shall be instructed in the English language or taught English grammar arithmetic mathematics and such other branches of knowledge as are most useful and necessary to complete a good English education whether the children taught in such charity school shall be the children of white parents or descended from Africans or Indians in such manner as the common council shall think proper and in conformity with the intent of this act and shall on or before the first day of November in the year of our Lord one thousand seven hundred and ninety six and on or before the first day of November in every year thereafter during the continuance of this act cause an account of the application and distribution of the said monies to be filed in the office of the secretary of this State who shall deliver the same to the legislature at their then next session.

Where
school re-
fuses
amount.

And be it further enacted That on the distribution of the monies assigned to or to be raised within the city and county of New York amongst the different schools in the said city that if one or more of the said schools should refuse to receive their respective proportions of the money so assigned or raised as aforesaid then and in that case the same shall be appropriated to the charity schools in the said city at the discretion of the said common council.

School tax
in Albany.

And be it further enacted That the supervisors of the county of Albany shall yearly and every year during the continuance of this act cause to be raised by a tax in the city of Albany a sum equal to the half of the sum to be appropriated for encouraging and maintaining schools in the said city by virtue of this act in the same year to be added

to and applied in the same manner with the monies so appropriated as aforesaid which said sum of money so to be raised shall be assessed levied and collected and paid to the treasurer of the same county together with and in the same manner as the necessary and contingent charges of the same county are to be raised collected and paid by virtue of the act entitled An act for defraying the public and necessary charge in the respective counties of this State.

And be it further enacted That it shall and may be lawful for the mayor aldermen and commonalty of the city of Albany in common council convened from time to time during the continuance of this act to cause as well the money so appropriated for encouraging and maintaining schools in the city of Albany as the money to be raised in the said city for the same purpose by virtue of this act to be applied for the encouragement and maintenance of the schools in which children shall be instructed in the English language or taught English grammar arithmetic mathematicks and such other branches of knowledge as are most useful and necessary to complete a good English education in such manner as the common council shall think proper and most agreeable to the intent of this act on or before the first day of November in the year of our Lord one thousand seven hundred and ninety six and on or before the first day of November in every year thereafter during the continuance of this act cause an account of the application of the said monies to be filed in the office of the secretary of this State who shall deliver the same to the legislature at their then next session and the treasurer of the said county of Albany is hereby directed to pay as well the money so to be allotted to as to be raised in the said city of Albany for encouraging and maintaining schools in the said city of Albany to the order of the mayor aldermen and commonalty of the city of Albany to be by them appropriated as aforesaid.

Distribu-
tion in the
city of
Albany.

And be it further enacted That it shall be lawful for the freeholders and inhabitants in the several towns in the State who may be qualified by law to vote at town meetings to elect at their respective annual town meetings not less than three nor more than seven persons who shall during the continuance of this act be commissioners of schools and have the superintendance thereof and shall determine concerning the distribution of the monies allotted to or raised in the same town for the purpose of encouraging and maintaining schools by virtue of this act in the manner hereafter directed *provided* that for the present year the supervisor and town clerk and assessors shall be commissioners.

School
commis-
sioners in
towns.

And be it further enacted That the city of Hudson in the county of Columbia shall be considered as a town for all the purposes contemplated in this act: And the freemen of the said city being inhabitants thereof shall annually elect commissioners of schools in like manner as last above prescribed, and at such time in every year as they are by law directed to elect aldermen assistants, and other officers in and for the said city and the said commissioners when so elected and qualified as above prescribed shall continue in office for the like time perform the like duties, exercise the like powers and proceed in doing business in like manner as the commissioners of schools in the several towns in the State; and every certificate or other matter in writing which is hereby directed to be filed in the office of the clerk of any town, shall in and for the said city be filed in the office of the clerk of the city and that the city of Albany in the county of Albany shall be considered as a town in the distribution to be made by the supervisors of the same county of the money appropriated to the same county by this act.

City of
Hudson.

Schools in towns.

And be it further enacted That for the purpose of deriving a benefit from the monies hereby appropriated it shall be lawful for the inhabitants residing in the different parts of any town to associate together for the purpose of procuring good and sufficient schoolmasters, and for erecting or maintaining schools, in such and so many parts of the town where they may reside as shall be found most convenient and in which shall be taught such branches of learning as are intended to receive encouragement from the monies hereby appropriated. And all such persons as may associate together for the purposes above mentioned, shall appoint two or more persons to act in their behalf as trustees of every such school. *Provided nevertheless* that no person shall be appointed a trustee of any such school who may be, in any other manner authorized or empowered to carry this act into effect and the said trustees shall whenever they may judge it necessary confer with the commissioners of schools for the town or ward where they may reside, concerning the qualifications of the master or masters that they may have employed, or may intend to employ, in their school, and concerning every other matter which may relate to the welfare of their school or to the propriety of erecting or maintaining the same, to the intent that they may obtain the determination of the said commissioners whether the said school will be entitled to a part of the monies allotted to or raised in that town by virtue of this act and whether the abilities and moral character of the master or masters employed or intended to be employed therein are such as will meet with their approbation. And the said trustees of the said several schools shall on the third Tuesday in March in every year or within four days thereafter make a return certified under their respective hands to the commissioners of schools for the town where their respective schools may have been kept containing the name or names of the master or masters who in the year then next preceding may have instructed in the school for which they were appointed trustees and the time or times when they severally began and left off instructing in the said school and the number of days they may have severally instructed therein, and the terms upon which they have severally agreed to instruct in the same and the names of the scholars who in that year have been instructed therein and the number of days which they have severally attended the school and the time or times within which the school has been kept in that year *provided nevertheless* That the name of any child who shall be under the age of four years shall not be inserted in any such returns and if after the receipt of the said returns it shall appear to the said commissioners that there is no material error fraud or deception in them they shall collect into one sum the whole number of days for which each and every scholar that may attended any one of the said schools shall have been instructed therein, and shall apportion the monies allotted to and raised in that town for the purpose aforesaid according to the whole number of days for which instruction shall appear to have been given in each of the said schools in such manner that the school in which the greater number of days of instruction shall appear to have been given shall have a proportionably larger sum and if it shall at any time appear to the said commissioners that the abilities or moral character of the master or masters of any school are not such that they ought to be entrusted with the education of youth or that any of the branches of learning taught in any school are not such as are intended to receive encouragement from the monies appropriated by this act the said commissioners shall notify in writing the said trustees of such school thereof and to the time of such notification and no longer shall any allowance be made

Returns to commissioners.

Distribution in the various towns.

to such school unless the same thereafter be conducted to the approbation of the said commissioners and where more masters than one shall have been employed in any school the said commissioners shall apportion the monies allotted to that school among the said several masters according to the length of time they may have severally kept the schools or according to such agreement as shall have been made with them by the trustees of said school or by any other person or persons who may have procured them.

And be it further enacted That nothing herein contained shall be construed to prevent the inhabitants residing near the limits or borders of any town from associating with the inhabitants residing in any adjoining town for the purposes above mentioned and in every such case the trustees of the school shall be residents of the town where the school may be kept and the commissioners of that town shall make the like distribution to such school as is herein before prescribed with respect to the other schools in such town.

Inhabitants residing near borders of towns.

And be it further enacted That the said commissioners in every town shall provide a book in which they shall make an entry of every school under their superintendence the names of the trustees and the masters names the time of application made to them by the trustees and the time of the approbation of the said commissioners as well of schools already established as of such as may be established during the continuance of this act and shall on the last Tuesday in May in every year from the return of the trustees with such vouchers as may be necessary determine the sums due to the trustees of the respective schools and shall give to the trustees of each school an order on the treasurer of the county for the sum which they shall so determine to be due and the treasurer of the county is hereby required to pay the same.

Books of school commissioners.

And be it further enacted That the commissioners in the several towns within this State shall on or before the first day of July in the year one thousand seven hundred and ninety six and in every year thereafter during the continuance of this act delivered to the treasurer of their respective counties a schedule containing the number of schools the masters names the number of scholars taught and the number of days of instruction in the schools of which* they were the commissioners and the treasurers of the several counties shall on or before the first day of November in every year transmit the same to the secretaries office and the secretary shall lay the same before the legislature at their next meeting.

Schedules to be delivered to county treasurers.

And whereas special provision hath already been made for the encouragement of learning in the several colleges and academies in the State. Therefore

Be it further enacted That nothing in this act contained shall be so construed as to extend to any college or academy which now is or hereafter shall be incorporated under the authority of the regents of the university or by virtue of any law of the State.

Act not to affect colleges or academies.

And be it further enacted, That this act shall be in force and take effect, from and after the first Tuesday of April one thousand seven hundred and ninety five.

Act, when to expire.

*So in original.

CHAP. 76.

AN ACT for the payment of certain officers of government and other contingent expenses.

PASSED the 9th of April, 1795.

Annual
appropriation bill;
various
officers.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer shall pay on or before the first day of July next to Simeon De Witt surveyor general of this State the sum of four hundred pounds. To James Fairlie clerk of the courts of oyer and terminer and general gaol delivery the sum of four hundred pounds. To Francis Childs printer for this State the sum of one hundred pounds for their services in their respective offices from the first day of July last to the first day of July next. And to the said Francis Childs the further sum of forty eight pounds for his extra work as printer during the present session and the further sum of two hundred and fifty eight pounds four shillings for printing the communications of the agricultural society of this State agreeably to concurrent resolutions of the senate and assembly of this State passed March 3d 1794 and also the further sum of one hundred and ninety seven pounds twelve shillings for providing and distributing the laws of the United States agreeably to the concurrent resolutions of the senate & assembly passed January 25th 1793.

Provided nevertheless That the said Simeon De Witt shall account with the auditor for this State and pay into the treasury all the fees which he may have received as surveyor general during the time above said and which have not been already accounted for and paid.

Adjutant-general.

And be it further enacted, That the treasurer shall pay unto David Van Horne adjutant general of the militia of this State at and after the rate of four hundred pounds for his services in the said office from the first day of July last to the first day of July next.

Chaplains of legislature.

And be it further enacted That the treasurer shall pay to such of the clergy as shall have attended the legislature as chaplains during the present session the sum of twenty shillings each for every day of their attendance for that purpose, and the certificates of their attendance and the sums due to them respectively shall be certified by the president of the senate and the speaker of the assembly in like manner as for members of the legislature.

Board of canvassers

And be it further enacted That the treasurer shall pay to each member of the joint committee of the senate and assembly who attended at the secretaries office to canvass the ballots taken at the last election for senators for every day they attended or were travelling to or from their respective places of abode for the purpose of attending on such canvass the like compensation as is allowed to the members of the legislature for their services in and by the act entitled "An act for the support of government."

Jonathan Russel et al

And be it further enacted That the treasurer of this State shall pay to Jonathan Russel the sum of thirty pounds fifteen shillings for his services and expenses in transporting arms accoutrements and one piece of ordnance from Fort Stanwix in the county of Herkemer to the salt springs in the county of Onondaga and to Comfort Tylor the sum of three pounds four shillings for his trouble and expense in procuring from Fort Stanwix arms furnished by the State for the eastern part of the county of Onondaga.

And be it further enacted That the treasurer of this State be and he is hereby directed to pay to Othniel Taylor and Benjamin Wells such sum of money as may be certified by the auditor of this State to be due to them or to either of them for transporting from Fort Stanwix to the county of Ontario the arms accoutrements and ordnance sent to that county by order of his excellency the governor.

Othniel
Taylor et al

And be it further enacted That the treasurer shall pay to Jacob Kidney late door keeper to the assembly for services rendered since the last adjournment of the legislature the sum of fourteen pounds.

Jacob
Kidney.

And be it further enacted That the treasurer shall pay to Eleazer Oswald who survived Elizabeth Holt administrator of John Holt deceased citizen and inhabitant of the State of Pennsylvania the sum of two thousand one hundred and forty four pounds thirteen shillings and eleven pence.

Eleazer
Oswald.

Provided The said Eleazer Oswald shall execute a release and discharge in full of and from a certain judgment recovered by him in the supreme court of the United States against this State and from any execution or executions on the said judgment and for all costs and charges which have accrued thereon, and to the attorney general of this State such sum as shall be audited by the auditor of the State for the expences and disbursements paid by the said attorney general in defending of the said suit.

And be it further enacted That it shall be lawful for the treasurer to retain in his hands out of any monies which may be in the treasury the sum of six hundred and fifty three pounds nineteen shillings and six pence to reimburse himself the like sum advanced by him to the agents appointed by his excellency the governor to meet the several Indians who have come to the city of New York during the present session of the legislature.

State treasurer,
for advances
to Indians.

And be it further enacted That it shall be lawful for the person administering the government of this State for the time being to draw out of the treasury such sums of money not exceeding in the whole the sum of three thousand pounds as he shall judge necessary to defray the expense of any treaties to be held with the nation or tribes of Indians usually distinguished as the St. Regis Indians or with any other nation or tribe of Indians claiming to have any right or title to lands in the northern part of this State comprehending the compensation to the commissioner or commissioners holding any such treaty under the authority of the United States and which may be held in consequence of an application from the person administering the government of this State for the time being if he shall judge such commissioner or commissioners necessary for holding such treaty " and also comprehending the compensation to such person or persons as the person administering the government of this State for the time being shall employ to examine and to procure and prepare proofs and testimony respecting any right or title which any nation or tribe of Indians may claim to have to lands in the northern parts of this State *and further* that it shall and may be lawful for the person administering the government of this State for the time being either by himself or by an agent or agents to be appointed by him to treat and agree with any nation or tribe of Indians for the purchase or release of the right or title of such nation or tribe of Indians to lands in the northern parts of this State in such form and on such terms as the person administering the government of this State for the time being or the said agent or agents shall judge most advisable and beneficial for the State.

St. Regis
Indians.

Act recited
repealed.

And be it further enacted That the act entitled An act to amend an act entitled An act relative to the Indians resident within this State be and the same is hereby repealed.

And whereas the senate and assembly did on the fourth of March last by concurrent resolutions resolve that the secretary of this State cause to be printed immediately as many copies of the act entitled An act for taking a census in this State and of the schedules therein mentioned as are by the said act directed and to forward the same by express to the proper officers and that the legislature would provide for the expense thereof. Therefore

Secretary
of State.

Be it further enacted That the treasurer of this State be and he is hereby directed to pay to the said secretary the amount of the said expenses agreeably to such account thereof as he shall produce audited by the auditor of this State.

And whereas it appears that William Colbrath late sheriff of the county of Herkemer hath expended the sum of thirty one pounds two shillings and three pence for his services and expences in executing the orders of his excellency the governor of this State relative to the intruders on the land belonging to the Brothertown Indians. Therefore

William
Colbrath.

Be it further enacted That the treasurer of this State be and he is hereby authorized and required to pay to the said William Colbrath the said sum of thirty one pounds two shillings and three pence for his services and expences in executing the said orders.

Commis-
sary of
military
stores.

And be it further enacted That the treasurer of this State shall pay to Sebastian Bauman late commissary of military stores for his services in the said office from the first day of July one thousand seven hundred and ninety two at and after the rate of forty pounds per annum during his continuance in office and also to Robert Hunter the present commissary of military stores for such time as he hath been in the said office until the first day of July next at and after the rate of forty pounds per annum.

Extra pay
to officers
of legis-
lature.

And be it further enacted That the treasurer shall pay to the clerks of the senate and assembly serjeants at arms and the door keepers of the senate and the assembly the sum of four shillings a day in addition to the salaries allowed them by the act entitled An act for the support of government" for every day they shall have attended the legislature during the present session, to be certified in the manner directed in the act above mentioned.

And whereas by the act entitled "An act for the payment of the salaries of certain officers of government and other contingent expenses" passed 27th March 1794 an appropriation of three thousand five hundred pounds is made for the support of such of the inhabitants of Saint Domingo resident within this State as shall be found in want of such support and the disposition of the said monies is placed in the hands of the person administering the government of this State under certain conditions and restrictions in the said act specified.

And whereas only part of the said monies have been expended in and respecting the premises and humanity dictates that the whole appropriation should be applied. *And whereas* doubts have arisen whether the person administering the government of this State will be authorized by the said act to cause the residue of the said monies so appropriated to be drawn and expended after the rising of the legislature. Therefore

St. Domin-
go sufferers

Be it further enacted That it shall and may be lawful for the person administering the government of this State to cause the residue of the monies so appropriated to be drawn from the treasury of this State and

expended for the relief of the persons, and in the manner specified in the said act.

And be it further enacted That there shall be allowed and paid by the treasurer to Major General Gansevoort the sum of thirty one pounds eight shillings and six pence being the amount of monies paid by him for expresses sent to the defferent commanding officers in the western district to repair to Fort Stanwix to receive their proportion of arms and accoutrements and for his expenses including the hire of a waggon while attending the above service and the further sum of twelve shillings per day exclusive of his necessary expenses not herein before provided for for every day he shall have been bona fide employed as a commissioner of fortifications in the western or eastern district of this State or in attending to the service particularly committed to his care by the commander in chief on his account being liquidated by the auditor of this State. Maj.-Gen.
Gansevoort

And be it further enacted That the treasurer of the State shall pay to Melancton L. Woolsey or to his order the sum of one hundred and nine pounds twelve shillings in full for his expenses in executing the orders of the governor relative to the transportation disposition and guarding of the arms and ammunition sent to the northern frontiers of this State in consequence of the encroachments of the British government upon that part of the State, and the further sum of sixteen pounds eight shillings in full for his personal services in performing the said business. Melancton
L. Woolsey

And be it further enacted That the treasurer of this State shall pay unto the surveyor general on a warrant or warrants from the person administering the government of this State for the time being not exceeding in the whole the sum of one thousand pounds as shall be necessary to defray the expenses which may from time to time attend the execution of the duties enjoined on the said survey general by the act entitled An act for the further sale of the unappropriated lands of this State and that the said surveyor general shall from time to time account for the same with the auditor of this State. Surveyor-
general.

And be it further enacted That the treasurer shall out of any monies in the treasury not appropriated and not arising from the interest of any monies loaned by this State pay unto the trustees of Union college in the town of Schenectady or to their order the sum of fifteen hundred pounds as a free and voluntary gift on the part of the people of this State to be by them applied to the purchase of an apparatus of instruments and machines for illustrating lectures in astronomy geography and natural philosophy and the residue if any to be applied to the purchase of such books for the use of the said college as the trustees may think proper. Union
College.

And be it further enacted That the treasurer shall pay unto Philip Schuyler the sum of four pounds eighteen shillings for so much paid by him to Isaac Lawson for boarding John Swancy seven weeks previous to the legislative provision made at the last session for the support of the said John Swancy. Philip
Schuyler.

And be it further enacted That such members of the legislature being of the joint committee to canvass the votes for representatives in Congress and met for that purpose at the secretarys office on the first Tuesday of January last be allowed twenty shillings per day until the legislature met in New York in pursuance of their adjournment from Poughkeepsie. Board of
canvassers.

And be it further enacted That the treasurer in settling the accounts of John Carpenter shall allow three per cent on the certificates depos- John
Carpenter.

ited in the treasury by him for security of monies loaned of the State from the time of such deposit.

Agricultural society

And be it further enacted That there be granted to the agricultural society incorporated in this State the sum of one thousand dollars to be paid out of any monies unappropriated in the treasury to the order of the president of the said society for the purpose of defraying the expenses of printing such of the communications made to the said society as they may deem most likely to promote the interest of agriculture one copy of which shall be distributed by the society to each person who shall be entitled to receive the laws and journals of this State and for defraying such other expenses for the promotion of agriculture as shall be determined on by the said society which expenditures shall be laid before the legislature at their next meeting.

Hospital in New York city.

And be it further enacted That it shall and may be lawful for the treasurer to pay to the governors of the hospital the annual sum allowed them by law in quarter yearly payments instead of annual payments as directed by law.

L A W S

OF THE

STATE OF NEW-YORK,

PASSED AT THE

NINETEENTH SESSION OF THE LEGISLATURE

CHAP. 1.

AN ACT to revive the proceedings in the court of common pleas in the county of Dutchess.

PASSED the 9th of January, 1796.

WHEREAS the court of common pleas in and for the county of Dutchess was not opened or held on the second Tuesday of October last by reason that a sufficient number of the judges and assistant justices of the same court did not attend to hold the said court whereby all process and proceedings in the same court are discontinued, for remedy whereof. Preamble.

Be it enacted by the people of the State of New York represented in Senate and Assembly, That all process and proceedings depending in the said court of common pleas on the second Tuesday in October last shall be and hereby are revived and continued until the second Tuesday of January instant and that all process which were returnable in the said court of common pleas on the said second Tuesday of October last, may be entered at the court of common pleas to be held in the said county of Dutchess on the said second Tuesday of January instant and that all persons who were bound by bail bonds or otherwise to appear or who by endorsement under their hands on the back of any process promised to appear at the said court of common pleas intended to have been held on the said second Tuesday of October last shall be held and bound to appear or their appearances may be entered at the next court of common pleas to be held in and for the said county, on the second Tuesday of January instant. Proceed-
ings re-
vived in
court of
common
pleas in
Dutchess
county.

CHAP. 2.

AN ACT to prevent discontinuances of the proceedings in the courts of common pleas and general sessions of the peace.

PASSED the 26th of January, 1796.

Preamble. WHEREAS it sometimes happens that the requisite number of judges or justices, to hold the courts of common pleas or general sessions of the peace, or mayors courts in some of the cities and counties of this State, do not attend, whereby the process and proceedings therein are discontinued. For remedy whereof.

Adjournment of court of common pleas or general sessions, where judges fail to attend.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That if at any time hereafter a sufficient number of the persons authorized to hold any such court, shall not attend for that purpose before five of the clock in the afternoon of the day on which such court is to be held, it shall be lawful for such one or more of them as shall attend, to adjourn the same court to the next day, and if a sufficient number to hold such court do not attend before five of the clock in the afternoon of such next day, then it shall be lawful for such member or members of the same court as shall attend, to adjourn the same court to the next term or session thereof, or for the longest time that such court can by law be adjourned, any law usage or custom to the contrary notwithstanding.

Mayors courts.

And be it further enacted by the authority aforesaid, That writs and process may be issued out of the respective courts of common pleas and general sessions of the peace in this State, and out of the respective mayors courts in the cities of New York Albany and Hudson, at any time during the terms or sessions of the same courts respectively. And that all such writs and process, issuing out of any court of common pleas or general sessions of the peace, shall be tested on the first day of the term or session of the court, and be made returnable on any day during the said term, or at the then next term or session of the same court; and that all writs and process issuing out of any mayors court within this State, shall be tested on the first day of the term or session of the court and be made returnable at the then next term or session of the same court; and that any writ or process to be issued out of either of the said courts may be tested on the first day of the term or session of the court, out of which the same shall be issued, next preceding the time of issuing thereof, any law usage or custom to the contrary notwithstanding.

Wh writs to be tested.

CHAP. 3.

AN ACT for raising a further sum of money for completing the court house and gaol in the county of Washington.

PASSED the 2d of February, 1796.

Preamble. WHEREAS the supervisors of the county of Washington have requested that a further sum of money should be directed to be raised on the inhabitants of said county to complete the court house and gaol erected within the same. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That the supervisors of the county of Washington at their meeting in May next be and they are hereby authorised and required to direct to be levied and raised on the freeholders and inhabitants of the county of Washington the sum of one hundred and twenty pounds with an additional sum of one shilling in the pound for collecting the same which said sum shall be raised levied and collected in like manner as the other necessary and contingent charges of the said county are by law levied and collected.

Tax levy in Washington county for court-house and jail.

And be it further enacted That the said sum of one hundred and twenty pounds shall be collected and paid into the treasury of said county on or before the second Tuesday in February in the year one thousand seven hundred and ninety seven, and the treasurer of the said county is hereby required and directed to pay the said sum of one hundred and twenty pounds to the order of the commissioners appointed by the supervisors of the said county to superintend the building of the court house and gaol agreeably to the act of the legislature entitled An act for raising money for building a court house and gaol in Washington county passed the 26th day of April 1792 or to the order of a majority of the said commissioners reserving to himself the sum of three pence in the pound for his services, for receiving and paying the same.

When tax to be paid; how expended.

And be it further enacted That the said commissioners shall account with the supervisors of the county of Washington for the monies by them to be received and expended for the purposes aforesaid when thereunto required.

Accounting by commissioners.

CHAP. 4.

AN ACT to divide certain towns in the counties of Otsego and Herkemer and to alter the name of South Hempstead in Queens county.

PASSED the 5th of February, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That all that part of the town of Unadilla lying east of lots number seventy, forty one, forty two, forty three forty four, forty five, forty six, and forty seven, in a tract granted to Charles Read Thomas Wharton and others commonly called the Otego patent and the eastern boundary line of the said lots continued southerly to the Susquehannah river shall be and is hereby erected into a town by the name of Suffrage.

Suffrage, town of, erected.

And be it further enacted That all that part of the town of Unadilla contained within the following bounds to wit beginning at the north west corner of the town of Suffrage and running along the south bounds of the towns of Otsego and Burlington to the north east corner of lot number one in the Otego patent thence southerly, along the east bounds of lots number one, two, three, four, five, six, seven and eight in the Otego patent to the south east corner of the last mentioned lot thence along the northerly bounds of lots number eighteen and twenty one in the Otego patent to the west branch of the Otdawaw creek thence down the same as it runs to the Susquehannah river thence up the river to the south west corner of the town of Suffrage thence northerly along the west bounds thereof to the place of beginning is hereby erected into a town by the name of Otego.

Otego

Butternuts. *And be it further enacted* That all that part of the town of Unadilla lying north of the line beginning at the south west corner of the town of Otego and running thence west along the south bounds of lot number eight in the Otego patent to the east bounds of a tract granted to Lewis and Richard Morris commonly called Morris's patent thence northerly to the north east corner of lot number seventy in the patent last mentioned thence westerly along the south bounds of lots number sixty three, sixty two, sixty one, sixty, fifty nine and fifty eight in Morris's patent to a tract of land granted to Clotworthy Upton commonly called Uptons patent and the same line continued westerly to the Butternut creek and thence down the same to the Unadilla river is hereby erected into a town by the name of Butternuts.

Unadilla. *And be it further enacted* That all the remainder of the town of Unadilla is hereby erected into a town by the name of Unadilla.

Town meetings. *And be it further enacted* That the first town meeting in each of the said respective towns shall be held as follows to wit in the town of Suffrage at the dwelling house of Isaac Collyer in the town of Otego at the dwelling house of Trueman Harrison, in the town of Butternuts at the dwelling house of John Thorpe and in the town of Unadilla at the dwelling house of Daniel Bissell.

Frankfort. *And be it further enacted* That all that part of the town of German Flatts contained in the following bounds to wit beginning at the south side of the Mohawk river in the middle of the mouth of a small stream which enters the said river a few rods east of the house of William Dygart which stream is known by the name of Dygarts mill creek and running from thence south thirty degrees west until it meets the southern line of a tract of land granted to Coenraed Frank and others thence westerly along the said southern line to the south west corner of the said grant thence westerly with a straight line to the south west corner of Whitestown thence northerly along the east bounds of Whites Town to the Mohawk river, thence down and along the river to the place of beginning shall be and hereby is erected into a separate town by the name of Frankfort.

Litchfield. *And be it further enacted* That all that part of the town of German Flatts contained within the following bounds to wit beginning at the south east corner of the said town of Frankfort and running thence south thirty degrees west to the southern boundary of the town of German Flatts, thence westerly along the southern bounds of the same to the south west corner thereof thence northerly along the west bounds of the same unto the south west corner of the said town of Frankfort thence easterly along the southern bounds thereof to the place of beginning shall be and hereby is erected into a separate town by the name of Litchfield.

Warren. *And be it further enacted* That all that part of the town of German Flatts contained within the following bounds to wit beginning at the north east corner of the town of Litchfield and running thence easterly along the southern line of the tract of land aforesaid granted to Coenraed Frank and others until it meets the south west corner of a tract of land granted to Guy Johnson thence easterly along the southern bounds thereof to the eastern bounds of the said town of German Flatts thence southerly along the said eastern bounds to the south east corner thereof thence westerly along the southern bounds thereof to the south east corner of the said town of Litchfield thence northerly along the eastern bounds thereof to the place of beginning shall be and is hereby erected into a separate town by the name of Warren.

And be it further enacted That all the residue of the said town of German Flatts shall be and is hereby erected into a separate town by the name of German Flatts. German Flatts.

And be it further enacted That the first town meeting in each of the said towns respectively shall be held as follows to wit in the town of Frankfort at the dwelling house of Theobald Dederick—in the town of Litchfield at the dwelling house of Josiah Shepherd—in the town of Warren at the dwelling house of David Caswell senior—and in the town of German Flatts as erected by this act at the dwelling house of John Frank. Town meetings.

And be it further enacted That the towns herein before mentioned shall be considered as new and separate towns from and after the first day of April next and that the freeholders and inhabitants of the said towns respectively shall be and hereby are empowered to hold town meetings and elect such town officers as the freeholders and inhabitants of the other towns of this State elect by law, and that the town officers to be by them elected shall have the like powers and privileges as the freeholders and inhabitants and town officers of any other town in this State may exercise. Town officers.

And be it further enacted That as soon as may be after the first Tuesday in April next the supervisors and overseers of the poor of the towns by this act erected into separate towns shall by notice to be given for that purpose by the supervisors of the said towns in the respective counties of Otsego and Herkemer meet together and apportion the poor maintained by the said town of Unadilla and by the said former town of German Flatts previous to the division of the said towns between the said new towns hereby erected in an equitable manner and if the supervisors and overseers of the poor cannot agree upon such division of the poor as aforesaid then and in such case the supervisors of the said counties respectively shall at their next meeting apportion and divide the poor maintained as aforesaid in such manner as shall appear to them or a majority of them just and equitable and each of the towns erected by this act into separate towns shall thereafter respectively maintain their own poor. Division of the poor.

And be it further enacted That the town of South Hempstead in Queens county shall from henceforth be called and known by the name of Hempstead. South Hempstead, name changed.

CHAP. 5.

AN ACT to divide the town of Galway in the county of Saratoga.

PASSED the 5th of February, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That from and after the Monday preceding the first Tuesday of April next all that part of the town of Galway in the county of Saratoga beginning at the northwest corner of the town of Milton and running thence a west course on a parallel line with the north bounds of the town of Charlton to the county of Montgomery and thence north on the east line of the county of Montgomery to the north bounds of the county of Saratoga and thence east on the said north bounds to the north west corner of the town of Greenfield thence south on the line between Galway and Greenfield to the place of beginning Providence, town of, erected.

shall be and hereby is erected into a separate town by the name of Providence and that the first town meeting in the said town of Providence shall be at the log meeting house near Jonathan Finches in said town.

Galway.

And be it further enacted That all the remaining part of the town of Galway shall be and remain a separate town by the name of Galway and the first town meeting shall be at the Baptist meeting house near Eli Smiths store in said town.

Town officers

And be it further enacted That the freeholders and inhabitants of the said towns respectively be and hereby are empowered to hold town meetings and elect such town officers and enjoy all the privileges that the freeholders and inhabitants of the other towns of this State may do by law.

Division of the poor.

And be it further enacted That as soon as may be after the first Tuesday of April next the supervisors and overseers of the poor of the new towns of Galway and of Providence shall by notice to be given for that purpose by the supervisors thereof meet together and apportion the poor maintained previous to the division thereof between the said towns and divide any unexpended money raised in the former town of Galway for the support of the poor and shall make such division on principles of equity: And if the supervisors and overseers of the poor cannot agree upon such division in such case the supervisors of the county of Saratoga shall at their next meeting make such appointment and division in such manner as shall appear to them just and equitable and the said towns thereafter shall respectively maintain their own poor.

CHAP. 6.

AN ACT for the relief of Mathew Cousens.

PASSED the 5th of February, 1796.

Appropriation to Mathew Cousens.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the treasurer of this State, out of any monies in the treasury which are unappropriated to pay to Mathew Cousens the sum of thirty one pounds seven shillings and seven pence being the amount of a certificate number three hundred and four issued to the said Mathew Cousens by the auditors appointed to liquidate the accounts of the troops of this State in the service of the United States and lost by the said Mathew Cousens and also such other sums as shall appear due on the same for interest in satisfaction and payment of the said certificate so lost as aforesaid.

Proviso, as to bond of indemnity.

Provided That the said Mathew Cousens and one sufficient security being a freeholder shall make and execute a bond in due form of law to the people of this State in such sum as the treasurer shall approve conditioned for the payment of the said principal and the interest which hath or may accrue thereon to the treasurer of the State for the time being in case the said certificate should ever be paid at the treasury of this State to any person being the bearer thereof.

CHAP. 7.

AN ACT relative to the courts of common pleas and general sessions of the peace in and for the county of Saratoga.

PASSED the 5th of February, 1796.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That instead of the present terms of the courts of common pleas and general sessions of the peace in and for the county of Saratoga, the respective courts in and for the said county, shall from and after the twenty sixth day of February one thousand seven hundred and ninety six, be held on the second Tuesday in May and the last Tuesday in September and second Tuesday in January in every year thereafter and may continue to be held until the several Saturdays next following inclusive. *Provided always,* That it shall be lawful for the judges and justices of the said courts, when they conceive the due administration of justice will admit thereof to adjourn the said courts respectively, to the next succeeding term, on any day preceding the last day, to which the power of holding the said courts is hereby extended as aforesaid.

Saratoga
county;
term of
courts in.

CHAP. 8.

AN ACT making provision for the more due and convenient conducting public prosecutions, at the courts of oyer and terminer and gaol delivery, and general sessions of the peace.

PASSED the 12th of February, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the person administering the government of this State for the time being, shall from time to time by and with the advice and consent of the council of appointment, appoint and commission a proper person for each of the districts herein after mentioned, each of whom shall be of the degree of counsel in the supreme court, and resident in such district, to the office of assistant attorney general hereby created. And that the counties of Suffolk, Queens, Kings, Richmond and Westchester shall be one district for the purpose aforesaid. That the counties of Orange Dutchess and Ulster shall be one other district for the purpose aforesaid. That the counties of Columbia and Rensselaer shall be one other district for the purpose aforesaid. That the counties of Washington and Clinton shall be one other district for the purpose aforesaid. That the counties of Albany, Saratoga, Montgomery and Schoharie shall be one other district for the purpose aforesaid. That the counties of Otsego and Herkemer shall be one other district for the purpose aforesaid. That the counties of Tioga Onondaga and Ontario shall be one other district for the purpose aforesaid. That except with respect to the courts of oyer and terminer and gaol delivery in the city and county of New York, it shall be the duty of the several assistant attorneys general to attend the courts of oyer and terminer and gaol delivery and general sessions of the peace to be from time to time held within the districts for which they shall be appointed respectively, and to manage and conduct all suits and prosecutions for crimes and

Assistant
attornies-
general.

Formation
of districts

Duty of as-
sistant at-
tornies-
general.

offences cognizable in the said courts, and that except with respect to prosecutions at the courts of oyer and terminer and gaol delivery in the city and county of New York and regulation or establishment of the office of attorney general whereby it may be supposed his duty to manage and conduct all public prosecutions at the courts of oyer and terminer and gaol delivery shall after the passing of this act cease. *Provided nevertheless*, That whenever on any occasion, the person administering the government of this State or a judge of the supreme court of this State shall deem it requisite it shall be lawful for the person administering the government of this State or such judge by writing under his hand, to require the attorney general to attend the court of oyer and terminer and gaol delivery to be held in such county, and it shall be the duty of the attorney general to attend accordingly, and thereupon to manage and conduct at such court all suits and prosecutions against the persons charged with the offences, and the assistant attorney general for such district, shall in such matters as appertain to his office, and shall be required of him by the attorney general, aid in managing and conducting such suits and prosecutions. And it is hereby declared that for their services and expences on these occasions, the attorney general and the assistant attorney general shall be deemed to be entitled to an additional allowance beyond the usual salary or other compensation, any allowance however to be determined by the legislature as the respective occasions shall from time to time happen.

Id., attain-
ders and
outlawries.

And be it further enacted, That after the passing of this act, instead of the clerk of the supreme court, the clerks of the court of oyer and terminer and gaol delivery and the clerks of the peace, the attorney general shall with respect to attainders outlawries and convictions in the supreme court and in the courts of oyer and terminer and gaol delivery in the city and county of New York and the assistant attorneys general for such districts shall with respect to attainders outlawries and convictions in the courts of oyer and terminer and gaol delivery in the other counties and in the courts of general sessions of the peace in the several counties in like manner and under the like penalties as are required and prescribed in the fourth section of the act entitled "An act for punishing treasons and felonies and for the better regulating the proceedings in cases of felony" passed the 21st day of February 1788, certify into the court of exchequer transcripts of the attainders outlawries and convictions in the said courts respectively.

Compensa-
tion.

And be it further enacted That the several assistant attorneys general shall be allowed the following compensations vizt. For every indictment including such as may be prepared by the direction of the grand jury although afterwards not finally agreed to by them at the court of oyer and terminer or gaol delivery and general sessions of the peace, one shilling and sixpence for drawing per folio, and for engrossing one shilling per folio. For process of subpoena actually made out and issued, two shillings, for every subpoena. For process actually made out and issued to bring in the defendants, two shillings on each indictment. For arguing the matter where the defendant shall submit, ten shillings: For ever trial or arguing a demurrer, or in opposition to a motion in arrest of judgment — at the court of oyer and terminer or gaol delivery and general sessions of the peace the sum of thirty two shillings. For the proceedings in outlawry, five pounds for each defendant outlawed, and at the rate of ninepence per mile of the distance between their respective places of residence and the places where the courts shall be held, and each time they shall travel to attend a court, except in the counties in which they may respectively reside. For a transcript certi-

fied into the court of exchequer two shillings for each defendant named therein. For making up a record by order of a judge one shilling and sixpence for the draft and one shilling for the copy, for each sheet containing seventy two words, and the like compensation if made up at the instance of a defendant but then to be paid for by such defendant.

And be it further enacted That the accounts of the several assistant attornies general shall be examined and audited in the court of exchequer and the amount of their compensation thereupon to be allowed shall be paid by the treasurer of the State on a certificate thereof under the hand of the judge and seal of the said court. Accounts,
audit of.

And be it further enacted That from the passing of this act, that part of the act "for regulating the fees of the several officers and ministers of justice" whereby the court may, out of a fine for a crime or misdemeanor allow costs of prosecution, shall cease. Part of act
repealed.

And be it further enacted That the several assistant attornies general, before they enter on the execution of their office shall take and subscribe before a judge of one of the counties assigned to them the following oath, to be indorsed on their respective commissions vizt: "I appointed an assistant attorney general, do solemnly swear that I will in all things to the best of my knowledge and abilities perform the trust reposed in me, and that I will support the constitution of the United States. Oath of
office.

And be it further enacted That it shall be the duty of the attorney general to attend the court of general sessions of the peace in the city and county of New York, and there to do and perform the like services as are hereby required of the assistant attornies general at the general sessions of the peace in the several counties of this State. Attorney-
general to
act in New
York city.

And be it further enacted, That the attorney general for the time being shall not act either as attorney solicitor or proctor in any private suit, unless the people of this State shall be interested in the event of such suit. Attorney-
general not
to practice.

CHAP. 9.

AN ACT further to continue the act for the appointment of an auditor and the settlement of the public accounts of this State; and also to continue the second section of the act amending the same.

PASSED the 12th of February, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the act entitled An act for the appointment of an auditor and the settlement of the public accounts of this State, passed the twenty third day of March one thousand seven hundred and eighty two; and also the second section of the act further to continue and amend the act aforesaid passed the seventh day of March one thousand seven hundred and ninety two, shall be and hereby are continued in full force and virtue to all intents and purposes until the first day of July which will be in the year of our Lord one thousand seven hundred and ninety eight. Acts
repealed
continued.

And be it further enacted That during the continuance of this act the salary of the auditor shall from and after the first day of July next be at and after the rate of two hundred pounds per annum payable in four equal quarterly payments at the treasury. Salary of
auditor.

CHAP. 10.

AN ACT abolishing the office of clerk of the circuit courts and courts of oyer and terminer and gaol delivery, and substituting the clerks of the several counties, to be clerks of those courts within the counties respectively.

PASSED the 12th of February, 1796.

Office of clerk of court of oyer and terminer to be discharged by county clerks.

Certain duties to be performed by attorneys.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the office of clerk of the circuit courts, and of the courts of oyer and terminer and gaol delivery, shall be and hereby is abolished, and in place thereof, that from and after the passing of this act, the clerks of the several counties for the time being, shall be, ex officio, clerks of the said courts within the said counties respectively.

And be it further enacted, That in future, the clerks of the several circuit courts, shall not draw and return the postea, or engross a special verdict, or a demurrer, but instead thereof, the attorney for the party to whom the postea on the return thereof ought in the first instance to be delivered, shall make up and return the same, and to that end, the clerk forthwith after the trial or other proceedings on the nisi prius record shall have been finally had at the circuit court, shall deliver the record to the attorney of such party and annex thereto a certified copy of the minutes of the court containing such trial or other proceedings. And if there shall be a special verdict or demurrer to evidence, then he shall also deliver all such writings as may have been read in evidence on the trial, and which ought to be put on the record. *Provided nevertheless* that where there shall be a special verdict, copies only of such original writings as may have been read in evidence on the part of the defendant, shall be delivered to the attorney for the plaintiff.

Fees of clerk.

And be it further enacted, That the clerk shall be allowed for every such copy of the minutes of the court, two shillings, and for every such copy of original writings read in evidence on the part of the defendant, nine pence for every sheet of seventy two words, and the attorney for drawing and returning the postea, shall be allowed six shillings for the same, and for drawing and engrossing a special verdict or demurrer the attorney for the plaintiff shall be allowed the like fees as for drawing and engrossing pleadings.

Id.

And be it further enacted That the clerks for the time being of each of the cities and counties in this State, shall be entitled to have and receive for their services, the like fees as are now allowed by law to the clerk of the circuit courts for the same services, except in the cases in this act otherwise provided; and that the late clerk of the courts of oyer and terminer and gaol delivery, shall provide at the expence of this State proper minute books for each county respectively, and that he shall cause to be fairly and accurately transcribed therein, the minutes of all the courts of oyer and terminer and gaol delivery which have been held in the several counties of this State from the twenty second day of May in the year of our Lord one thousand seven hundred and eighty seven to the time of the passing of this act; and that the treasurer of this State shall pay to the said clerk out of any monies in the treasury not appropriated, the amount of his account for the purchase of said books and for transcribing the said minutes, upon the same being completed, and the said account being audited by the auditor of this State; and that the said clerk shall on or before the setting of a court of oyer and terminer

Late clerk to deliver record of proceedings to each county; compensation.

and gaol delivery in any city or county within this State, deliver or cause to be delivered unto the clerk of such city or county, a minute book of the minutes of all the said courts of oyer and terminer and gaol delivery held in the said city or county from the said twenty second day of May in the said year of our Lord one thousand seven hundred and eighty seven to the time of the passing of this act, together with all indictments, presentments, recognizances and other original papers belonging to such county, or relating to any matter therein appertaining to the courts of oyer and terminer and gaol delivery in such county other than such original minutes, and that the said clerk be allowed for his said services the sum of ninepence for every folio containing one hundred and twenty eight words.

And be it further enacted, That the minutes of the said respective courts which shall be hereafter held shall be entered in the said books or other books to be provided for the purpose at the expence of the counties respectively. Minutes of court.

CHAP. 11.

AN ACT for the relief of John Laurance.

PASSED the 19th of February, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the treasurer of this State and he is hereby directed to pay to John Laurance of the city of New York the sum of five hundred and eighty six pounds six shillings and one penny in full satisfaction of his claim and demand as well for a certain sum of money by him paid for a farm of land said to have been forfeited to the people of this State by the conviction of Gilbert Miller of the county of West-Chester and sold by Isaac Stoutenbergh and Philip Van Cortlandt Esquires commissioners of forfeitures for the southern district of this State, to the said John Laurance as for monies by him expended in the prosecution of a suit for the recovery of the said lands and for his costs and disbursements therein. *Provided* that the said John Laurance shall on payment of the said money deliver the conveyance for the said farm to the treasurer of this State and release all his right title and interest of and in the premises thereby conveyed to him and all claim to any further compensation for the same to the people of this State. Appropriation to John Laurance.

CHAP. 12.

AN ACT to authorize the commissione^s* of the land office to grant letters patent to Adam Cappernol.

PASSED the 19th of February, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the commissioners of the land office and they are hereby directed to cause one lot Grant to Adam Cappernol.

* So in original.

of six hundred acres of land in the tract set apart for the use of the troops of the line of this State lately serving in the army of the United States to be drawn or balloted in the manner directed by the act entitled An act to carry into effect the concurrent resolutions and acts of the legislature for granting certain lands promised to be given as bounty lands and for other purposes therein mentioned and to cause letters patent to be issued for such lot thereby granting the same to Adam Coppernal late a soldier in the first regiment of this State and now residing in the county of Montgomery to hold the same lot unto him the said Adam Coppernal for and during his natural life without impeachment of waste and from and immediately after his death to remain and go to all and every the child and children of the said Adam Coppernal born and to be born as tenants in common and to their heirs and assigns forever which letters patent shall be issued without any fee or reward whatever.

CHAP. 13.

AN ACT to divide the town of Norway in the county of Herkmer into two towns.

PASSED the 19th of February, 1796.

Fairfield,
town of,
erected.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That so much of the town of Norway in the county of Herkmer as is contained within the limits and bounds following to wit, beginning at the northwest corner of lot number thirty seven, part of the second line of lots in the second allotment of the tract commonly called the Royal Grant, which corner intersects the West Canada creek, and to run thence east to the east bounds of the said county of Herkmer, thence southerly along the said line to the northeast corner of the town of Herkmer, thence westerly along the north bounds of the said town of Herkmer to the creek aforesaid, thence northerly up and along the said creek to the place of beginning shall be and hereby is erected into a separate town by the name of Fairfield; and that from and after the first day of April next, the freeholders and inhabitants thereof shall have, and may exercise all and every power and privilege which the freeholders and inhabitants of the other towns within this State have and may exercise by law; and the first town meeting in the said town of Fairfield shall be held at the dwelling house of Daniel Griswold.

Norway.

And be it further enacted by the authority aforesaid, That all the residue of the said town of Norway, shall be and hereby is erected into a separate town and shall retain the name of Norway; and the freeholders and inhabitants thereof shall continue to have hold and may exercise all and every power and privilege therein which they were by law entitled to previous to the passing of this act; and the first town meeting therein shall be held at the dwelling house of Jeremiah Potter.

Division of
the poor.

And be it further enacted by the authority aforesaid, That as soon as may be, after the first Tuesday of April next, the supervisors and overseers of the poor of the towns aforesaid, by notice to be given for that purpose by the supervisor of the town of Fairfield, shall meet together and apportion the poor of the town of Norway previous to the division thereof, and also any monies which may have been collected for the support of the poor, between the said two towns, in an equitable

manner, and if the said supervisors and overseers cannot agree upon such division as aforesaid, then and in such case the supervisors of the county of Herkmer shall at their next meeting make such division in such manner as shall appear to them just and equitable; and the said towns erected by this act shall respectively maintain their own poor.

CHAP. 14.

AN ACT to erect a town in the county of Herkmer by the name of Mexico.

PASSED the 26th of February, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, Mexico, town of, erected.
That so much of the county of Herkmer as is contained within the limits and bounds following to wit, beginning at the northwest corner of a tract of land commonly called Fonda's forty thousand acres patent, thence down and along the west side of Canada creek to its junction with Wood creek, thence down and along the waters of Wood creek to the Oneida lake, thence thro' the middle of the said lake to the west end thereof, thence to the north shore of the Onondaga river thence down and along the north side of the said river to lake Ontario, thence easterly and northerly along the said lake to the mouth of Black river, thence up and along the said river to the northernmost corner of twenty five thousand acres of land sold by William Constable to William Inman, thence south thirty seven degrees and thirty minutes west along the north westerly bounds of the said tract to the northwest corner of the tract commonly called Oathouts patent thence south one degree west along the westerly line of the said tract to the place of beginning shall be and hereby is erected into a separate town by the name of Mexico." And that from and after the first day of April next the freeholders and inhabitants of the said town shall have and may exercise all and every power and privilege which the freeholders and inhabitants of the other towns in this State have and may exercise by law, and the first town meeting in the said town shall be held at the dwelling house of John Myer situate at Rotterdam within the said town of Mexico.

CHAP. 15.

AN ACT for the relief of Henry H. Vrooman.

PASSED the 26th of February, 1796.

WHEREAS the late commissioners of forfeitures for the western district sold and conveyed a certain lot of land to Henry H. Vrooman when it was their intention to have sold him another lot, by which mistake the said Henry H. Vrooman has sustained pecuniary loss, and the legislature being willing that restitution should be made. Preamble. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for the treasurer of this State and he is hereby required to pay unto the said Henry H. Vrooman or order, the sum of one hundred and seventy one pounds. Appropriation to Henry W. Vrooman.

CHAP. 16.

AN ACT for the relief of Jacob Merkle and others.

PASSED the 26th of February, 1796.

Preamble. WHEREAS it is represented to the legislature that the commissioners of forfeitures for the western district of this State have by mistake sold certain lands in the Royal Grant in the county of Montgomery belonging to the estate of Peter Johnson the natural son of Sir William Johnson baronet deceased as a part of the forfeited estate of Sir John Johnson baronet which said lands did of right belong to Elizabeth Johnson Magdalen Johnson Margaret Johnson George Johnson Mary Johnson Susannah Johnson and Ann Johnson the surviving brothers and sisters of the said Peter Johnson as devisees of the said Sir William Johnson deceased.

And whereas it appears that Elizabeth Johnson Magdalen Johnson and Margaret Johnson have been convicted of adhering to the enemy and their estates forfeited to the people of this State and no record of such conviction and forfeiture is found against the said George Johnson Mary Johnson Susannah Johnson and Ann Johnson or either of them.

And whereas Jacob Merkle and others settlers on said land so as aforesaid sold by mistake under titles derived from the said commissioners of forfeiture have by their petition represented to the legislature that actions of ejectment have been brought against some of them in the names of John Robinson George Pearson and James Cochran purchasers from the said George Johnson Mary Johnson Susannah Johnson and Ann Johnson of a tract of four thousand acres of the said land of the said Peter Johnson situated in Royal Grant so as aforesaid sold by the said commissioners.

And whereas the said John Robinson George Pearson and James Cochran have signified their willingness to accept of four sevenths of the proceeds of the sales of the said four thousand acres which have been paid into the treasury of this State together with interest thereon in satisfaction for their title to the said land so sold as aforesaid. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer of this State be and he is hereby authorized to pay to the said John Robinson, George Pearson and James Cochran four sevenths of the proceeds of the sales of the said tract of four thousand acres together with interest on the same from the time of the sales of said land by the said commissioners in satisfaction for their title to the said land so sold as aforesaid.

Provided always and it is hereby further enacted That before the treasurer of this State shall pay to the said John Robinson George Pearson and James Cochran the said four sevenths of the sales as above mentioned the said John Robinson George Pearson and James Cochran shall produce to the said treasurer a certificate from the attorney general of this State certifying that he has examined into the title of the said John Robinson George Pearson and James Cochran to the tract of land above mentioned and that it is his opinion that the said John Robinson George Pearson and James Cochran have a legal title to the same and also that the said John Robinson George Pearson and James Cochran shall further execute and deliver to the said treasurer a deed or conveyance from the said John Robinson George Pearson and James

Appropriation to John Robinson et al.

Proviso, as to certificate of attorney-general and deed of release to the State

Cochran to the people of this State of all the right and title of them the said John Robinson George Pearson and James Cochran in and to the said tract of four thousand acres so sold as aforesaid containing the usual covenants of warranty.

CHAP. 17.

AN ACT for raising a further sum of money for compleating a court house in the county of West Chester at the town of Bedford.

PASSED the 26th of February, 1796.

WHEREAS the supervisors of the county of Westchester have by their petition requested the legislature to enable them by law to raise the further sum of seventy pounds for the purpose of compleating the court house at the town of Bedford in the county aforesaid. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That the supervisors of the said county for the time being shall be and they are hereby authorized and required at their next annual meeting after passing this act to direct to be raised and levied on the freeholders and inhabitants of the said county the sum of seventy pounds for the purpose of compleating the court house aforesaid with an additional sum of one shilling on the pound for collecting the same which said sums shall be raised levied and collected at the same time and in like manner as the other necessary contingent charges of the said county are levied and collected.

Tax levy in Westchester county for court-house.

And be it further enacted That the said sum of seventy pounds shall be collected and paid into the treasury of the said county on or before the first Tuesday of February in the year one thousand seven hundred and ninety seven.

When tax to be paid.

And be it further enacted That the supervisors of the said county shall be and they are hereby authorized and required at their next annual meeting to appoint an agent or agents to apply the money directed by this act to be raised for compleating the court house aforesaid and the treasurer of the said county is hereby required to pay the aforesaid sum of seventy pounds to such agent or agents so appointed when thereunto required at any time after the said first Tuesday in February in the year one thousand seven hundred and ninety seven.

How expended.

And be it further enacted That the said agent or agents shall account to the supervisors of said county for the expenditure of the said sum of seventy pounds when thereunto required.

Agents to account.

CHAP. 18.

AN ACT for raising a further sum of money to compleat the court house and gaol in the county of Saratoga.

PASSED the 4th of March, 1796.

WHEREAS Edward A. Waterous and others supervisors of the county of Saratoga have by their petition represented to the legislature that a further sum of six hundred pounds will be necessary to compleat the court house and gaol in the county of Saratoga. Therefore

Preamble.

Tax levy in
Saratoga
for court-
house and
jail.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the supervisors of the county of Saratoga at their meeting in May next be and they are hereby authorized and required to direct to be levied and raised on the freeholders and inhabitants of the county of Saratoga the sum of six hundred pounds with an additional sum of one shilling on the pound for collecting the same which said sums shall be raised levied and collected in like manner as the other necessary and contingent charges of the said county are by law raised levied and collected.

When tax
to be paid,
how
expended.

And be it further enacted That the said sum of six hundred pounds shall be collected and paid into the treasury of the said county on or before the first Tuesday of February next and the treasurer of said county is hereby required and directed to pay the said sum of six hundred pounds to the order of the commissioners or a majority of them who are by law appointed to superintend the building of the said court house and gaol reserving to himself the sum of three pence in the pound for his services in receiving and paying out the same.

Account-
ing for
moneys.

And be it further enacted That the said commissioners shall account with the supervisors of the county aforesaid for the monies by them to be received and expended for the purpose aforesaid when thereunto required.

CHAP. 19.

AN ACT apportioning the representation in the legislature according to the rule prescribed by the Constitution.

PASSED the 4th of March, 1796.

Preamble.

WHEREAS by the census of the electors of this State lately taken in pursuance of an act of the legislature it appears, that in all of the great districts, and in several of the counties of this State, the numbers of electors have so increased, that according to the Constitution of this State, they are entitled to additional senators and members of assembly in the proportion herein after mentioned. Therefore

Additional
senators
to be
chosen.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That the electors in the southern, middle, eastern and western districts of this State, shall at the next general election therein be entitled to elect and chuse additional senators to the number of senators now elected and chosen within the said districts in manner following, to wit, in the southern district one, in the middle district two, in the eastern district three, and in the western district twelve.* And the clerk of the senate is hereby directed to give notices of the elections accordingly.

And in order to equalize the great districts of this State as near as may be.

Apportion-
ment of
senators
and of the
four great
districts.

It is hereby further enacted, That from and after the first day of January next, this State shall be and hereby is divided into four great districts as follows; the southern district to comprehend the city and county of New York, and the counties of Suffolk, Queens, Kings, Richmond and Westchester; the middle district to comprehend the counties of Dutchess, Ulster, Orange and Columbia, the eastern district to comprehend the city and county of Albany, and the counties of Rensselaer,

* So in original.

Saratoga, Washington and Clinton; and the western district to comprehend the counties of Montgomery, Schoharie, Otsego, Herkimer, Tioga, Onondaga and Ontario. And that the number of senators to be chosen in each of the said districts shall be as follows; in the southern district, nine; in the middle district, twelve; in the eastern district, eleven; and in the western district, eleven. And the additional senators to be chosen at the next election by virtue of this act, shall at the first session of the legislature after the first Monday in July next be classed and apportioned to the several great districts, according to the Constitution of this State.

And be it further enacted, That the electors in the several counties following, shall at the next general election therein, be entitled to elect and choose additional members of assembly, to the number of members of assembly now elected and chosen within such counties, in manner following, to wit, in the city and county of New York, six; in the county of Queens, one; in the county of Dutchess, three; in the county of Ulster, three; in the county of Rensselaer, one; in the county of Washington, two; in the city and county of Albany, three; in the county of Saratoga, one; in the county of Montgomery, two; in the county Herkimer, six; in the county of Otsego, four; in the county of Tioga, one; and in the county of Ontario, one. And that until another census shall be taken by the order of the legislature, or other provision be made in the premises, the whole number of members of assembly to be annually chosen in the counties herein before mentioned shall be as follows, to wit; in the city and county of New York thirteen; in the county of Queens, four; in the county of Dutchess, ten; in the county of Ulster, eight; in the county of Rensselaer, six; in the county of Washington, six; in the city and county of Albany, ten; in the county of Saratoga, five; in the county of Montgomery, six; in the county of Herkimer, seven; in the county of Otsego, five; in the county of Tioga, two; and in the county of Ontario, two;

Additional
assembly-
men to be
chosen.

Apportion-
ment in
certain
counties.

And be it further enacted, That at the next general election in this State, and annually thereafter until another census shall be taken by order of the legislature or other provision be made in the premises, the electors in the counties herein after mentioned, shall be entitled to choose and elect, members of assembly for such counties in proportion following, to wit; in the county of Clinton, one; in the county of Schoharie, one; and in the county of Onondaga, two.

Apportion-
ment in
Clinton,
Schoharie
and Onon-
daga.

And be it further enacted, That the several other counties in this State, shall continue to elect the same number of members of assembly, as are directed in and by an act entitled "An act for apportioning the representation in the legislature according to the rule prescribed by the Constitution, and for dividing the county of Albany."

Other
counties.

CHAP. 20.

AN ACT supplementary to the act entitled "An act concerning apprentices and servants.

PASSED the 4th of March, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful for any male infant under the age of twenty one years, or any female infant under the age of eighteen years, and who shall have no parent living, nor any guar-

Appren-
ticeship of
infants,
where no
parent or
guardian.

dian, by and with the consent and approbation of the overseers of the town or place, any two justices of the peace, or of any judge of the court of common pleas in the county where such infant shall reside, to bind himself or herself an apprentice in any art, craft, mystery, profession, trade or useful employment until such infant, if a male, shall arrive at the age of twenty one years, and if a female, to the age of eighteen years, which consent or approbation shall be indorsed on the indenture, and that every such indenture shall be as good and effectual to all intents and purposes, as if made by and with the consent of the father of such infant, if he was living.

Mother to give consent, when father not capable.

And be it further enacted That where the father of any child is not in legal capacity to consent to the binding out of the same, and the mother is in legal capacity, such mother shall have the same power, to consent that such child shall be bound out, as tho' the father was dead.

Indians in Suffolk and Queens.

And be it further enacted, That whenever it shall be proved to the satisfaction of a judge of the court of common pleas of the county, or the overseers of the poor of any town that the husband of any Indian woman residing within the counties of Suffolk or Queens, has left her with her children, it shall be lawful for the woman so left, to bind her children apprentices in the same manner as if her husband was dead.

CHAP. 21.

AN ACT to divide the town of Steuben in the county of Herkimer into three towns.

PASSED the 4th of March, 1796.

Floyd, town of, erected.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That all that part of the town of Steuben situate within the following bounds to wit beginning at the north west corner of great lot number thirty six in Fundas patent and running along the west bounds of said lot and lots number fifty, sixty three and seventy one in said Fundas patent and the same course continued to the south bounds of the town of Steuben then east along the same to the mouth of nine mile creek then along the south east bounds of the town of Steuben until a west line shall intersect the north east corner of great lot number forty one in said Fundas patent then along said line and the north bounds of said lot number forty one and lots number forty, thirty nine, thirty eight thirty seven and thirty six in said Fundas patent to the place of beginning shall be and is hereby erected into a town by the name of Floyd. That all that part of the said town of Steuben bounded northwardly by a line to begin at the north west corner of the said town of Floyd and running a direct course along the north bounds of great lots number thirty five thirty four thirty three thirty two thirty one thirty, twenty nine and eighty three, in said Fundas patent to Canada creek thence down and along the same to its junction with Wood creek thence along the westerly and southerly bounds of the said town of Steuben to the south west corner of the said town of Floyd then along the west bounds thereof to the place of beginning, shall be and hereby is erected into a town by the name of Rome. And that all the remaining part of the said town of Steuben shall remain and continue a separate town by the name of Steuben except so much thereof as is comprehended within the town of Mexico.

Rome.

Steuben.

And be it further enacted That the first town meeting in the said town of Floyd shall be held at the dwelling house of Samuel I. Curtis in the said town. That the first town meeting in the said town of Rome shall be held at the dwelling house of Ebenezer Claffin in said town. And the first town meeting in the said town of Steuben shall be held at the dwelling house of Joshua Wells in the said town. Town meetings.

And be it further enacted That the towns herein before mentioned to be erected shall be considered as erected from and after the first Monday in April next and that the freeholders and inhabitants of the said towns respectively shall be and hereby are impowered to hold town meetings and elect such town officers as the freeholders and inhabitants of any town in this State may do by law and that the freeholders and inhabitants of the said towns and the town officers to be by them elected shall have the like powers and privileges and be subject to the like regulations and penalties as the freeholders and inhabitants and town officers of the other towns of this State are entitled and subject to by law. Town officers.

And be it further enacted That as soon as may be after the first Tuesday of April next the supervisors of the towns aforesaid and the overseers of the poor of the said towns shall after notice given for that purpose by the supervisors of the said towns meet together and apportion the poor maintained by the said town of Steuben previous to the division and all monies raised for the support of the poor in the said town shall at the same time be equitably divided by the supervisors and overseers aforesaid and if the said supervisors and overseers cannot agree upon such division of the poor and money as aforesaid then and in such case the supervisors of the county shall at their next meeting apportion and divide the poor and money as aforesaid in such manner as shall appear to them or a majority of them just and equitable and the said towns shall thereafter respectively maintain their own poor. Division of the poor.

CHAP. 22.

AN ACT for the relief of the Indians who are entitled to lands in Brothertown.

PASSED the 4th of March, 1796

WHEREAS the commissioners appointed in and by an act entitled "An act relative to lands in Brothertown" have in pursuance of the said act, set off part of the tract of land therein mentioned called "Brothertown" in one entire piece for the use of the Indians now residing in Brothertown, and for such other Indians as may be entitled to land there, and have made a division of the remainder of the land in Brothertown among such persons as had obtained leases from individual Indians or claimed under such leases, and sold and conveyed the same to them according to the directions of the said act; but it being inconvenient for the white inhabitants who were then in possession of several parts of the said land so set off for the use of the Indians, to remove immediately although they were respectively allowed and accepted compensation for their improvements, they were left and most of them still continue in the possession thereof. And it being necessary that effectual provision be made, as well for their speedy removal, as to prevent any others from taking or holding possession of any part of the said land. Therefore Preamble.

Removal of
white
intruders
on lands of
Brother-
town
Indians.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the person administering the government of this State for the time being, and he is hereby required, by the first day of May next, or as soon thereafter as may be, by such ways and means as he shall judge proper, to cause every white person who shall then be in possession of any part of the said tract so set off for the use of the Indians, to be removed from the same. And shall also from time to time thereafter if there shall be occasion, by such ways and means as he shall judge proper, cause all and every white person who may be in the possession of any part of the said tract of land, so set off for the use of the said Indians, to be removed from the said tract; and all expences to be thereby incurred shall be borne and paid by this State.

And whereas the said commissioners have assigned to the Indians now residing in Brothertown particular parts of the said land so set off for the use of the said Indians, but doubts and difficulties have arisen, as to what other particular Indians are entitled to part of the said land, and it is necessary, that some persons be authorized, as well to determine, upon application of any particular Indian, whether he is entitled to settle on the said land, and if he is, to assign him a particular lot or part for that purpose, as generally to superintend the affairs of the Indians in Brothertown aforesaid. Therefore

Superin-
tendents
of affairs
of Brother-
town
Indians.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the person administering the government of this State for the time being from time to time by and with the advice and consent of the council of appointment, to appoint and commission three or more proper persons for that purpose, to be called, superintendants of the affairs of the Brothertown Indians" who shall hold the same office during the pleasure of the council. And such superintendants or the major part of them shall have power to determine, upon application to them by or on the behalf of any particular Indian, whether he is entitled to settle upon the said land, and if he is, to assign him a particular lot, or part of a lot or lots at their discretion for that purpose, and it shall not be lawful for any Indian or Indian family or other person to settle upon or take possession of any part of the said land, not assigned to him or them as aforesaid.

And whereas the said commissioners have received as purchase money upon the sales made by them as aforesaid, the sum of ninety seven pounds two shillings, and have taken mortgages in the name of the people of this State for the payment of the further sum of fifteen thousand two hundred and seventeen pounds and four shillings, making in the whole fifteen thousand three hundred and fourteen pounds and six shillings, and have paid the said money and delivered the said mortgages to the treasurer of this State, so that after deducting the expences which have arisen in carrying the said act into effect, there will remain the sum of fourteen thousand four hundred and five pounds six shillings and eight pence which is to be vested in the funds of the United States, and the interest thereof applied to and for the purposes mentioned in the said act; but as that cannot be done immediately and the interest on the said mortgages is generally payable in small sums and at different times, it will be most convenient to this State and advantageous to the Indians, for the State to take the said mortgages, and appropriate a like sum for the use of the Indians. Therefore

Funds
arising
from sales
of lands by

Be it further enacted by the authority aforesaid, That the said sum of money paid to the treasurer by the said commissioners, and the monies to be received for principal and interest on the said mortgages shall be

appropriated to the use of the people of this State. And the treasurer of this State for the time being, shall on the first Monday in August next, and on the first Monday in August in every year thereafter, out of any money then in the treasury not otherwise appropriated, pay to the order of the person administering the government of this State for the time being, the sum of eight hundred and sixty four pounds six shillings and four pence, being the amount of the interest of the said sum of fourteen thousand four hundred and five pounds six shillings and eight pence at the rate of six per cent. who shall cause so much thereof as may be necessary for that purpose to be applied for erecting a school-house and maintaining a school in Brothertown for the education of Indian children, and the remainder, after payment of the salary to the attorney herein after mentioned, to and for the benefit of the Indians then residing in Brothertown in such manner as he shall judge proper.

commissioners,
disposition
of.

And whereas the said Indians are liable to impositions and losses from the ignorance of the laws of this State and of the proper means of seeking redress for injuries. For remedy whereof.

Be it further enacted by the authority aforesaid, That it shall and may be lawful for the person administering the government of this State for the time being, from time to time by and with the advice and consent of the council of appointment to appoint and commission some proper person learned in the law, to be the attorney of the said Indians during the pleasure of the said council. And the person so appointed shall from time to time advise and direct the said Indians residing in Brothertown in all controversies among themselves, and with any other person, and defend all suits brought against any of them by any white person, and commence and prosecute all such suits and actions for them or any of them as he may find necessary or proper; and in the prosecution and defence of any such suits, he shall observe and pursue such advice and directions, as shall be given him if any by the said superintendants; and shall receive as a compensation for his services and expences in the premises, the yearly salary of one hundred and twenty five dollars to be paid out of the said interest money.

Attorney
to be ap-
pointed.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for any Indian, whether male or female, to whom any of the said land has been or shall be assigned as aforesaid, or who shall become entitled to the same, to sue and maintain actions of trespass, and to recover damages to his or her own use, for any trespass which shall be committed upon his or her said land, either by cutting or carrying away, injuring or destroying any of the timber, wood, grass, grain, buildings, fences or other thing growing or being thereon.

Action for
trespass by
Indians.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said attorney of the Brothertown Indians, to sue and maintain actions of trespass in the name of the Brothertown Indians, for any trespass which has been since the first day of October last or shall be hereafter committed upon any part of the said land so set off for the said Indians and not assigned to any particular Indian or family; and the damages to be recovered in every such action after deducting all expences attending the recovery shall be paid by the said attorney to the said superintendants, to be by them applied to and for the relief and benefit of the Indians then residing in Brothertown.

Actions by
attorney.

And be it further enacted, by the authority aforesaid, That it shall and may be lawful for any Indian or Indians residing in Brothertown, to cut timber upon any part of the said tract so set off for their use, and not then assigned to any particular Indian or family for the purpose of repairing their buildings or erecting others, or for the purpose of making

Timber on
common
lands.

and repairing highways and bridges within the same tract, but for no other purpose whatsoever; *provided always*, that it shall and may be lawful for the Indians residing in Brothertown at all times to cut any timber upon any part of the said tract so set off for their use, whether the same be assigned to any particular Indian or family or not, for the purpose of making or repairing highways or bridges within the same tract; but if any other person shall at any time cut or carry away any timber growing or being upon any part of the said tract so set off for the use of the Indians, every such person shall be liable to an action of trespass for the same, notwithstanding any sale lease or licence of or from any Indian or Indians; and every such sale, lease or licence made or given or to be made or given, is hereby declared to be utterly void; and if any such trespass be done upon the land assigned to any particular Indian or family, and the person or persons entitled to the same do not within thirty days thereafter direct the said attorney of the Brothertown Indians, to commence and prosecute a suit for the same, then the said attorney shall bring an action for the same in the same manner as if the trespass was done on some part of the said tract not assigned to any particular Indian or family. And the declaration in such case shall charge, that the defendant broke and entered the close of the Brothertown Indians and cut or carried away the trees or timber there growing or being, and no plea or evidence that the place where such trespass was committed had been assigned to any particular Indian or family, nor any licence or release or agreement of any Indian or Indians, shall be any bar to any such action. And the damages recovered in every such action shall be applied in the same manner as the damages recovered for trespasses on the parts of the said tract not assigned to any particular Indian or family.

Paris, what parts of Brothertown to be part of town of.

And be it further enacted by the authority aforesaid, and it is hereby declared, That the said tract of land so set off for the use of the Indians as aforesaid, is herein after intended and shall hereafter be called and known by the name of Brothertown, and shall not hereafter be considered as any part of the town of Paris, and that the land so sold as aforesaid by the said commissioners shall hereafter be considered as part of the said town of Paris, and not as any part of Brothertown; and if any Indian to whom any part of the said land so set off for the use of the Indians, hath been or shall be assigned as aforesaid, or who shall be entitled to the same, shall neglect to take possession thereof for one year after becoming so entitled, or shall leave Brothertown with his family and continue absent for one year, every such Indian shall thereby forfeit all right to the said land, and the said superintendants shall thereupon at their discretion, assign the same land to any other Indian then residing in, or entitled to land in Brothertown aforesaid.

Five keepers of the peace to be appointed; duties of.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the person administering the government of this State for the time being, from time to time, by and with the advice and consent of the counsel of appointment, to appoint and commission five of the Indians then residing in Brothertown aforesaid, to be keepers of the peace there, who shall hold their office during the pleasure of the council, and shall severally have power to keep the peace in Brothertown aforesaid, and the said keepers of the peace or any three or more of them, shall have power to hold a court in Brothertown aforesaid, on the first Monday in every month, and in such court to hear and determine all disputes and controversies between any persons residing in Brothertown aforesaid concerning any debt, demand or trespass, where the sum due or damages sustained, shall not exceed the sum of five

pounds, and all actions for the recovery of the penalty of any bye-law to be made at any town meeting in Brothertown aforesaid; and it shall be lawful for either of the said keepers of the peace upon complaint made to him, to cause the person complained of, to be summoned to appear at the next court to be held in the school house in Brothertown to answer the complaint, and the said keepers of the peace or the major part of them shall at such next court, or other court, to which the cause may be adjourned, hear and examine the allegations and proofs of the parties, and make such order and decree between them as shall appear to them to be just, and if such order and decree is not performed in one month thereafter, shall then cause the sum adjudged or decreed to either party, to be levied by distress and sale of the goods and chattles of the party who shall be adjudged or decreed to pay the same, together with such fees, as are hereinafter allowed to the marshall for executing the process; but the said keepers of the peace shall not take any fees for their services; and it shall be lawful for the said keepers of the peace to adjourn any cause depending before them to the next court whenever they shall find it necessary; and if the defendant shall not be personally summoned upon the process against him and shall not appear at the return thereof, a new summons shall be issued; but if he shall have been personally summoned, then the court may at the return of the summons, proceed to hear and determine the cause whether the defendant appears or not, unless a reasonable excuse shall be offered, in which case they shall adjourn the cause to the next court, and the judgment of the said keepers of the peace, or of the major part of them who shall attend upon the hearing of any cause shall be conclusive to the parties.

And whereas it may happen that persons who shall be guilty of committing trespasses, or breaches of such bye-laws, shall not have sufficient goods and chattles to pay the damages or penalty; *and whereas* it is necessary for maintaining peace and good order in Brothertown that such persons should not go unpunished. Therefore

And be it further enacted by the authority aforesaid That if any such person shall be convicted of any offence before the said keepers of the peace or any three or more of them, they shall give a certificate thereof, setting forth, that the defendant (naming him) is convicted of a trespass or breach of a bye-law in Brothertown, and is adjudged to pay a certain sum of money for the same to the plaintiff, mentioning the sum and the plaintiffs name, and that the defendant hath not sufficient goods and chattles in Brothertown to pay the same; and upon producing such certificate to the attorney for the Brothertown Indians for the time being and proving before him that the same was made or given by any three or more of the said keepers of the peace, the said attorney shall issue a warrant directed to the sherif of the county and to some or one of the constables of the said county residing near Brothertown, commanding the said constable or constables to take such defendant and convey him to the gaol of the said county and there deliver him to the said sherif, and commanding the said sherif to receive him into the said gaol, and safely keep him there for the space of thirty days unless he shall sooner pay the said sum of money, together with the fees for issuing and executing the said warrant, which thirty days shall be computed from the time the defendant shall be delivered to the sherif or gaoler; and the said sherif and his deputies and every constable to whom such warrant shall be directed, are hereby required to execute the same according to the tenor thereof as aforesaid. And all expences of executing any such warrant and of supporting any such prisoner in gaol shall be paid by the said attorney of the Brothertown Indians, and the same shall be repaid

Convictions before keepers; enforcement of penalty.

to him by the said superintendants out of the money belonging to the Brothertown Indians.

Commissi-
sioners of
highways.

And be it further enacted by the authority aforesaid, That the said keepers of the peace for the time being, shall be commisssoners of the highways in Brothertown, and shall have power to direct them or the major part of them, from time to time, to alter any highway in Brothertown, and to lay out others as there may be occasion, and to direct how and when the same, or any of them, or any part thereof, shall be made, mended or repaired; *provided always* that all highways by them laid out, shall be at least four rods wide, and they shall cause a record thereof to be entered by the town clerk of Brothertown.

Election
of officers
of Brother-
town.

And be it further enacted by the authority aforesaid, That it shall and may be lawful for the male inhabitants for the time being of Brothertown aforesaid of the age of twenty one years and upwards and they are hereby required, to assemble together and hold town meetings at the school-house in Brothertown aforesaid on the first Tuesday in April in every year at which meeting the senior keeper of the peace then present shall preside and then and there to elect one town clerk two overseers of the poor, two marshalls, and so many overseers of the highways as the majority of the inhabitants so met shall think necessary, who shall hold their respective offices for one year and until others shall be chosen in their places, and if any of the officers so chosen shall refuse to serve, or shall die or remove out of the town or become incapable of serving, before the next annual town meeting, then and in every such case, another or others shall be elected in his or their places in the manner aforesaid at a town meeting to be held for that purpose; and the said inhabitants of Brothertown are hereby authorized at their annual town meeting, or at any other town meeting to be held for that purpose, from time to time, to make, ordain and establish such rules, orders, regulations and bye-laws as the majority of them so met may think necessary and convenient for the better relief of the poor, and for binding out children whose parents are dead or absent, and for ascertaining what bridges and what part of any highway, each of the overseers of the highway shall have the care of, and which of the inhabitants shall be obliged to work on the highways, and how many days each of them shall work thereon, and for ascertaining the sufficiency of fences, and the times places and manner of preventing or permitting cattle, horses, sheep and swine, or any of them to go at large, and for ascertaining damages done by trespasses, and for maintaining good order among themselves, and concerning any other matters relating to their own affairs, and to impose such penalties on the offenders against such rules orders regulations and bye-laws, or any or either of them as the majority of the inhabitants so met shall deem proper not exceeding forty shillings for any one offence, to be recovered with costs by any inhabitant of Brothertown, who shall sue for the same by action of debt before the said keepers of the peace or any three of them, the one half of which penalty when recovered shall be for the use of the person who shall sue for the same, and he shall pay the other half to the overseers of the poor of Brothertown, to be by them applied to the relief of the poor; and that all such rules, orders, regulations and bye-laws shall be entered by the town clerk in a book to be provided for that purpose, and shall continue in force until revoked or altered by some subsequent town meeting; but no special town meeting shall be held for any purpose, unless notice thereof signed by two or more of the said keepers of the peace be fixed up on the door of the school-house in Brothertown aforesaid, at least six days before the day of holding such town meeting.

And be it further enacted by the authority aforesaid, That the overseers of the highways shall respectively, cause the highways and bridges, of which they shall be respectively chosen overseers, to be repaired and made according to the direction of the said commissioners, and shall warn the inhabitants to work thereon whenever it shall be necessary and shall superintend and direct the same.

Overseers
of the
highways.

And be it further enacted by the authority aforesaid, That the marshalls to be chosen in Brothertown as aforesaid, shall have the like powers and authority there, as constables of other towns in this State have by law in their towns; and shall be entitled to one shilling for serving every summons, and two shillings for serving an execution for any sum not exceeding twenty shillings, and at the rate of two shillings in the pound for serving every execution for any sum above twenty shillings.

Marshalls.

And be it further enacted by the authority aforesaid, That upon the death of any Indian residing in Brothertown to whom any land hath been or shall be assigned as aforesaid, or who shall become entitled to any land so assigned, if he dies possessed thereof, leaving issue, the same land shall go to and be equally divided among such issue if they are all in equal degree of kindred to him or her, but if he leaves a child or children, and the issue of deceased child or children, then such issue shall stand in the place of his her or their parent and take only such share as his her or their parent would have taken if living, and in like manner if any such grand child shall be then dead leaving issue, such issue shall stand in his or her place and take such share as he or she would have been entitled to if living, and in like manner the division shall be made where the deceased leaves only grand children and great grand children; and if such Indian leaves no issue, then the land he or she dies possessed of or entitled to in Brothertown shall revert to the Brothertown Indians, and the said superintendants shall thereupon assign the same to some other Indian or Indians residing in Brothertown or entitled to land there as aforesaid; but in all cases the widow of the deceased shall have a right to continue in the house her husband dies possessed of, during her widowhood, and the superintendants shall also assign to her so much of the land as they may think necessary.

Descent of
lands in
Brother-
town.

And be it further enacted by the authority aforesaid, That the said superintendants or the major part of them, or the said attorney of the Brothertown Indians if empowered by them for that purpose shall have power from time to time, to settle all disputes and controversies between the Brothertown Indians concerning their said lands and to determine all claims to any of the said lands, and all disputes that may arise concerning the same upon the death of any Indian entitled to any land in Brothertown; and their determination shall be conclusive. And all orders judgments and decrees made by them or the major part of them relating to the said land shall be entered by the town clerk of Brothertown in a book to be provided for that purpose.

Disputes
concerning
lands, how
settled.

And be it further enacted by the authority aforesaid, That the overseers of the poor of Brothertown for the time being, shall be guardians of the persons and property of all infants in the said town who shall not have any parents there to take care of them.

Guardians
of infants.

And be it further enacted by the authority aforesaid, That it shall not be lawful for any Indian in Brothertown to sell any spirituous liquor without a licence from the said superintendants under the penalty of three pounds for every such offence, to be recovered before the said keepers of the peace or any three of them, the one half of such penalty shall be to the use of the Indian who shall sue for the same, and the other half to the use of the poor of Brothertown.

Sale of
liquor pro-
hibited.

Town clerk *And be it further enacted by the authority aforesaid,* That the said town clerk in Brothertown shall from time to time be supplied by the said superintendants with such books and papers as may be necessary for the execution of the duties enjoined on him by this act, and shall be paid by the said superintendants annually such sum for his services as they shall deem adequate.

Parts of acts recited repealed. *And be it further enacted by the authority aforesaid,* That the act entitled "An act for the relief of the Indians residing in New Stockbridge and Brothertown" and the act entitled "An act for the relief of the Indians residing in Brothertown and New Stockbridge" except the last clause thereof, shall be and hereby are repealed so far as the same in any manner respects Brothertown or Brothertown Indians.

CHAP. 23.

AN ACT for the relief of the legal representatives of Joseph Nicholas Imbert deceased.

PASSED the 11th of March, 1796.

Joseph Nicholas Imbert, relative to estate of.

Be it enacted by the People of the State of New York represented in Senate and Assembly That all forfeitures of the goods and chattels of Joseph Nicholas Imbert deceased who by an inquest taken by the coroner of the city and county of New York was found guilty of suicide shall be and hereby are remitted and it shall and may be lawful for the said coroner and he is hereby required to deliver all the goods and chattels which were seized or taken by him for the use of the people of the State of New York in consequence of the said inquest unto the legal representatives of the said Joseph Nicholas Imbert.

CHAP. 24.

AN ACT for adding an additional term to the court of common pleas of the county of Clinton.

PASSED the 11th of March, 1796.

January term, common pleas, in Clinton county.

Be it enacted by the People of the State of New York represented in Senate and Assembly That there shall be an additional term of the court of common pleas held in and for the county of Clinton to be held on the third Tuesday of January in every year and that the said court of common pleas may be continued and held until the next Saturday following inclusive. *Provided* that the said court may adjourn previous to the time limited for the termination thereof if the business of the said court will permit.

To be held at Willsborough.

And be it further enacted That the said court of common pleas appointed to be held by virtue of this act shall be held at the block house in the town of Willsborough in the said county.

Adjournment of October term.

And be it further enacted That the said courts of common pleas and general sessions of the peace to be held in and for the said county of Clinton on the first Tuesday of October next shall at the end of the term be adjourned the court of common pleas to the third Tuesday of January next to be holden at the block house in the town of Willsborough in said county and the said court of general sessions of the peace on the third Tuesday in April then next.

CHAP. 25.

AN ACT to prevent intrusions on lands within the jurisdiction of this State under pretence of title from the State of Connecticut.

PASSED the 11th of March, 1796.

WHEREAS information has been received by this legislature, that certain persons under pretence of title derived from a quit claim grant from the State of Connecticut for a considerable extent of territory within this State, do by various improper practices, endeavour to draw into question the jurisdiction of this State over the said territory, excite opposition to the lawful authority thereof and defame the titles of persons holding lands by grants under the great seal of this State, or under the great seal of the late colony of New York. In order therefore to counteract such practices, and to preserve the just rights of the citizens of this State. Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That if any person shall intrude or settle on any of the waste or ungranted lands of this State, under or by virtue of any title or claim derived from or under the State of Connecticut, take possession of or settle on any lands within the jurisdiction of this State, every such person shall be deemed as holding such lands by a foreign title against the right and sovereignty of the people of the State of New York. And it shall be the duty of the person administering the government of this State for the time being, from time to time, to remove or cause to be removed, by such means and in such manner as he shall judge proper, all such persons so intruding, settling or taking possession of any lands within the jurisdiction of this State, and to cause all the buildings of such persons to be destroyed, and for that purpose in his discretion to order out any proportion of the militia from any part of this State; and every detachment so from time to time to be ordered out, shall receive the same pay and rations, and be subject to the same rules and regulations as is provided by law, when any proportion of the militia of this State is ordered out in case of invasion or other emergency. Connecticut titles declared void and intruders to be removed.

And be it further enacted That every person who shall bargain, sell or convey or by any ways or means, obtain, get or procure any pretended right or title or make or take any promise grant or covenant to have any right or title of any person or persons in or to any lands tenements or hereditaments within this State under the said pretended title from the State of Connecticut shall be deemed guilty of a public offence and high misdemeanor against the people of this State, and may be prosecuted for the same by indictment or information in any court of record within this State, and upon conviction be punished by fine and imprisonment in the discretion of the court, and if a citizen of this State shall moreover be disabled for ever thereafter from electing or being elected to any office, place or trust within this State. Penalty for conveying pretended Connecticut title.

And be it further enacted, That it shall and hereby is made the duty of, and strictly enjoined on the justices of the peace, sheriffs and other officers of the government of this State within the several counties of Otsego, Tioga and Ontario, immediately after the passing of this act and from time to time thereafter, to make enquiry in the said counties respectively in which they have jurisdiction, whether any person or per- Otsego, Tioga and Ontario. Sheriffs of, duty in respect to titles.

sons have already settled or shall hereafter settle, or claim to hold lands within the said counties under pretence of title derived from such quit claim or other grant from the said State of Connecticut, and to report the name and names of every person so settling or claiming, to the person administering the government of this State for the time being, to the end, that they may be proceeded against according to law.

Attorney-general to defend suits brought to establish Connecticut titles.

And be it further enacted, That in case any suit shall be instituted by any person whomsoever claiming under any grant from the State of Connecticut for the recovery of any lands within either of the said counties, the person administering the government of this State for the time being, upon notice thereof, shall direct the attorney general of this State to defend every such suit; and the faith of this State is hereby pledged for defraying the expence of all the costs and charges of defending every such suit as aforesaid.

CHAP. 26.

AN ACT to enable the corporation of the city of Albany, to supply the said city with water by means of conduits.

PASSED the 11th of March, 1796.

Preamble. WHEREAS the corporation of the city of Albany, have prayed the legislature to be enabled to supply the said city with spring water by means of conduits intended to be laid thr'o lands belonging to others as well as thr'o lands belonging to the said corporation, and legislative provision being necessary in the premises. Therefore

Condemnation of land for Albany water works.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the said corporation by themselves, or by an engineer or other person to be by them employed, may enter upon any land or lands, thr'o which they shall deem it proper to carry any conduits, lay any reservoirs or make any other devices for the purpose of supplying the said city with water from any spring or springs in the vicinity and within the limits thereof, and to lay out and survey so much ground for the same as shall be deemed necessary, to be ascertained in manner herein after mentioned. And it shall and may be lawful for the said corporation to contract and agree with the owner or occupants severally of the lands thr'o which such conduits are intended to be carried, or such reservoirs and other devices to be placed if they can agree with such owners or occupants, but in case of disagreement, or, in case any owner or occupant shall be feme covert, under age, non compos mentis, or out of the State, the lands intended to be taken for the purpose aforesaid shall be appraised, and the damages assessed by appraisers to be appointed in manner hereinafter directed.

Appraisement of damages and valuation of lands.

And be it further enacted, That in case the said corporation cannot agree with all the owners or occupants of the land thr'o which such works shall be carried or erected, they shall previous to any appraisement to ascertain the value thereof and of the damages to be assessed cause a survey and map to be made of the tract or direction in which it is intended such conduits shall run, and of the ground in their estimation requisite for such conduits reservoirs and other devices, in the field-book of which survey and maps shall be specified and distinguished, the lands of each of the several owners and occupants intended to be appropriated to the works aforesaid and the quantity thereof, and shall

exhibit such field-book and map to the justices of the supreme court, or to any two of them, and if such justices shall be of opinion, that the land so surveyed and laid out, is not more than requisite for the intended works, they shall certify such field-book and map under their hands and seals, and cause the same to be filed in the office of the clerk of the city and county of Albany, there to remain as a public record; and it shall then be lawful, to and for the said justices, by a writing under their hands and seals to appoint not less than three, nor more than five discreet persons, none of which shall be inhabitants of the said city, or interested in the lands so surveyed as aforesaid, to appraise the premises specified in such field-book, and delineated on such map; and it shall be the duty of the appraisers, or a majority of such as shall be appointed, to examine the lands of each person owner or occupant, so intended to be appropriated, and to ascertain the value thereof and of the damages which each may sustain by such appropriation, and to make a regular entry of each valuation and assessment or damages in a book to be by them kept for that purpose, and having compleated the valuation and assessments they shall certify the same under oath to be a true fair and impartial valuation and assessment to the best of their belief — and shall then cause such book (the execution of the certificate being first duly proved or acknowledged) to be filed in the office of the clerk aforesaid, there to remain as a public record; and from thence forward, the lands and tenements mentioned and specified in the field-book and delineated on the map filed in the said office, shall be and hereby is vested in fee simple in the said corporation and their successors. *Provided always* that such vesting shall be on the conditions following to wit, that whenever the chamberlain of the said corporation shall be applied to and required by the owner or occupant of any of the lands so valued and assessed, or by the legal representative of any feme covert, person under age, non compos mentis, or person not within the State for the sum of money which to such applicant shall appertain, to be ascertained from the book so certified and filed by the appraisers as aforesaid, and shall neglect or refuse to pay such applicant the assessed value and damages with legal interest from the time of the filing of such book by the appraisers it shall thenceforth be lawful to the person entitled to the amount of such valuation damages and interest by himself or herself, his or her legal representative or attorney, to prosecute the said corporation for the same in any court within the said city and county having competent jurisdiction, and if the prosecutor prevails in such suit, he or she shall have judgment in his or her favour with damages and treble costs.

And be it further enacted That if any person shall wilfully injure damage or destroy any of the said conduits reservoirs or other devices thereunto appertaining, and shall be thereof convicted, the person so offending shall forfeit and pay a fine of ten pounds, to the use of the said corporation, to be recovered with costs of suit before any justice of the peace, and shall moreover be liable to a suit in damages, and if a verdict is obtained against such offender, damages with treble costs shall be recovered by the said corporation.

Injury to
conduits,
penalty for

And be it further enacted, That it shall and may be lawful for the said corporation from time to time, to make and establish such ordinances relative to the protection of the conduits and other works incident thereto as they in their discretion shall deem meet and proper, not contrary to the constitution and laws of this State, nor shall any penalty be inflicted by any such ordinance which shall exceed the sum of forty shillings.

Ordinances
relative to
conduits,
etc.

CHAP. 27.

AN ACT to authorize the raising monies by tax in the city and county of New York for defraying the public expenses.

PASSED the 16th of March, 1796.

Tax levy in
New York
for contin-
gent pur-
poses.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the mayor recorder and aldermen of the city of New York as the supervisors of the city and county of New York or the major part of them of whom the mayor or recorder shall be one be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next to order the raising a sum not exceeding twenty thousand pounds by a tax on the estates real and personal of the freeholders and inhabitants within the said city and county of New York to be applied to the support and maintenance of the poor of the said city and county for making repairs and improvements in the gaol and bridewell of the said city and subsisting the criminal prisoners from time to time confined therein respectively, for repairing and maintaining the public roads and regulating and improving the streets and for defraying the other contingent expenses arising within and properly chargeable to the said city and county.

Id., for
police and
street
lighting.

And be it further enacted That the said mayor recorder and aldermen of the city of New York or the major part of them of whom the said mayor or recorder shall be one be and they are hereby authorized and empowered as soon as conveniently may be after the first day of May next to order the raising a further sum not exceeding ten thousand pounds by a tax on the estates real and personal of the freeholders and inhabitants within the said city on the south side of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudson river thence to and along the north side of the dwelling house of Nicholas Bayard Esquire thence along the middle of William street to and across the Bowery lane to Bullock street, thence along the middle of Bullock street to the East river to be applied to the payment of so many watchmen as the mayor aldermen and commonalty of the city of New York in common council convened shall from time to time determine to be necessary for guarding the said city and also the purchasing of oil providing lamps and repairing and attending the lamps which now are and from time to time hereafter may be erected within the said city and also the making and repairing the public wells and pumps in the said city and for defraying such other contingent expenses of the said city arising within the limits aforesaid, and properly chargeable thereto as the said mayor aldermen and commonalty of the city of New York in common council convened shall from time to time direct; which said several sums of money shall be rated and assessed according to the estate of each respective person so to be taxed and be collected in one payment and paid into the hands of the treasurer or chamberlain of the said city at such time after the said first day of May next as the said mayor recorder and aldermen or the major part of them of whom the said mayor or recorder shall be one, shall direct and appoint; any thing in the second section of the statute entitled "An act for the more effectual collection of taxes in the city and county of New York, contained to the contrary notwithstanding.

Fees of
collectors
and treas-
urer.

And be it further enacted That it shall be lawful for the collectors of the first fourth fifth and sixth wards of the said city to retain in their hands the sum of one shilling in the pound and for the collector of the

seventh ward of the said city to retain in his hands the sum of one shilling and three pence in the pound and the collectors in the several other wards of the said city the sum of nine pence in the pound and no more for their trouble in collecting and paying to the treasurer or chamberlain of the said city such sums of money as shall be raised by virtue of this act and that it shall be lawful for the said treasurer or chamberlain to retain in his hands the sum of two pence in the pound and no more for his trouble in receiving and and paying the said monies.

CHAP. 28.

AN ACT for the relief of Samuel Hull.

PASSED the 18th of March, 1796.

WHEREAS Samuel Hull by his petition to this legislature hath represented that he enlisted as a soldier in the line of this State serving in the army of the United States to serve during the war that he was taken prisoner and carried to the West Indies in consequence of which he was returned as a deserter and could not therefore obtain the land promised by the laws of this State to be given to soldiers who served during the war. Preamble.

And whereas the said Samuel Hull being an invalid and incapable of making any settlement on the lands if granted to him is desirous that the same should be granted to his brother David Hull of the State of New Jersey sadler and Samuel Sayre of Newark in the State of New Jersey mason as trustees for him to be by them disposed of for his benefit. Therefore,

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the commissioners of the land office and they are hereby authorized and directed to grant to the said David Hull and Samuel Sayre the like proportion of unappropriated land part of the lands set apart for the use of the line of this State lately serving in the army of the United States as has been granted to a soldier of the line of this State serving in the army of the United States to hold the said land to them the said David Hull and Samuel Sayre and their heirs and assigns as joint tenants and not as tenants in common in trust to sell and dispose of the said land for the best price they can get for the same and to apply the monies arising from such sale to and for the use and maintenance and support of the said Samuel Hull during his life and to pay the residue if any at his death to his legal representative. Military lands of Samuel Hull.

CHAP. 29.

AN ACT to erect a part of the county of Ontario into a separate county be the name of Steuben.

PASSED the 18th of March, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That all that part of the county of Ontario bounded by the Pennsylvania line on the south by the north bounds of the sixth range of townships on the north by the preemption line on the Steuben county erected.

east and by the Indian line on the west shall be one separate and distinct county by the name of Steuben.

Courts to
be held in
Steuben
county.

And be it further enacted That there shall be held in and for the county of Steuben a court of common pleas and a court of general sessions of the peace at the town of Bath and that there be in the said county of Steuben three terms in every year to commence and end on the days following to wit the first term to commence on the third Tuesday in June and to end on the Saturday following the second term to commence on the third Tuesday in October and to end on the Saturday following and the third term to commence on the second Tuesday in January and to end on the Saturday following—*Provided* that in any of the terms aforesaid the court may adjourn previous to the day assigned for its termination if the business of the court will admit: And that the first court of common pleas and general sessions of the peace shall be held on the third Tuesday in June next.

Division of
the county
into towns.

And be it further enacted That until other legislative provision shall be made in the premises it shall and may be lawful to and for the justices of the court of sessions for the said county of Steuben or a majority of them at any general sessions of the peace to divide the county into as many towns as they shall deem necessary and that the said justices at any such general session shall fix and direct the place or places in each of the said towns so to be made at which the first town meeting for electing town officers shall be held and all future meetings in any such town shall be held at such place as a majority of the inhabitants thereof shall by open vote at any town meeting appoint.

Prisoners
to be con-
fined to
Ontario
jail.

And be it further enacted That until a gaol shall be provided in the said county of Steuben it shall and may be lawful to and for the officers and ministers of justice in the said county to commit any person charged with the commission of any crime in the said county of Steuben to the common gaol of the county of Ontario and that it shall not be the duty of the justices of the supreme court to hold a circuit court once in every year in the said county unless in their judgment they shall deem it proper and necessary any thing in the act entitled "An act for regulating trials of issues and for returning able and sufficient jurors" to the contrary notwithstanding.

Powers,
etc., of
county.

And be it further enacted That the freeholders and inhabitants of the said county hereby erected shall have and enjoy all and every the same rights powers and privileges as the freeholders and inhabitants of any other county in this State are by law entitled to have and enjoy.

Assembly-
men, elec-
tion of.

And be it further enacted That until other provision shall be made by law the freeholders and inhabitants of the said county of Steuben shall give their votes for two members of the assembly in the same manner as if the said county of Steuben was part of the county of Ontario and that the votes taken in the said county of Steuben at each election for members of the assembly shall be delivered by the clerk of the said county of Steuben to any one of the supervisors of the said county of Steuben who shall carry the same to the office of the clerk of the county of Ontario without delay. And the said clerk of the county of Ontario shall deliver the same to the supervisors of the said county on the last Tuesday in May in every year and the same together with the votes taken at the same election in the said county of Ontario shall be canvassed by the supervisors of the county of Ontario and by any one or more of the supervisors of the county of Steuben if any shall attend for that purpose from the said county of Steuben.

CHAP. 30.

AN ACT making alterations in the criminal law of this State and for erecting State prisons.

PASSED the 26th of March, 1796.

WHEREAS the dictates of humanity and the principles of justice require, that the punishment of crimes shall be proportioned to the different degrees of guilt of the offenders. Therefore

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That every person who shall hereafter be duly convicted or attainted of any manner of treason against the people of this State, or of any kind of murder, or of aiding or abetting or procuring any kind of murder to be committed, shall suffer death for the same, and be hanged by the neck until he or she shall be dead. And that every person who shall hereafter commit, and be duly convicted or attainted of any other felony now punishable with death for the first offence except the crime of stealing from a church shall instead of being punished with death, be punished with imprisonment for life in one of the State prisons herein aftermentioned, and the justices who shall give judgment in any such case shall upon consideration of all the circumstances thereof, adjudge the offender to imprisonment only, or to be kept in the said prison to hard labour or in solitude, or both.

Death penalty, when inflicted.

Imprisonment for life, when inflicted.

And be it further enacted, That every person who shall hereafter commit and be duly convicted or attainted of any felony, other than such as are herein before enumerated and directed to be otherwise punished and above the degree of petty larceny, and every person who shall aid abet assist hire or command any person to commit any such felony and be thereof duly convicted or attainted shall instead of the punishment now annexed to such crimes for the first offence be adjudged by the justices who shall give judgment thereupon, on a consideration of all the circumstances of the case, to imprisonment in one of the said prisons at hard labour or in solitude, or to imprisonment only, or to all or either of them for any term not more than fourteen years: *And farther* that every person who shall be a second time duly convicted or attainted of any of the said last mentioned felonies committed after such first conviction, shall instead of the punishment now annexed to such crimes be adjudged by the justices who shall give judgment thereupon, on like consideration of all the circumstances of the case, to imprisonment in one of the prisons aforesaid, at hard labour or in solitude, or both for life.

Punishment inflicted for other felonies.

Second offence.

And be it further enacted, That no appeal shall be allowed against any person, where such person shall have been tried for such felony, and acquitted thereof according to law.

No appeals allowed after acquittal.

And be it further enacted, That every person who shall hereafter commit any manner of petit larceny, or shall buy or receive any goods or chattels of any value whatsoever that shall be feloniously taken away or stolen from any other person, knowing the same to be stolen, whether the principal be convicted or attainted or not, or shall knowingly and designedly by false pretence or pretences obtain from any other person any money goods or chattels or other effects whatsoever with intent to cheat or defraud any person, or body politic or corporate whatsoever, and every person who shall aid, abet, assist, hire, command or procure any other person to commit any such offence, and every person who

Imprisonment for not exceeding one year.

shall be accessory to any felony whatsoever after the fact, and be thereof duly convicted or attainted shall instead of the punishment now annexed to such crimes for the first offence be adjudged by the justices or court who shall give judgment thereupon to pay a fine, or shall be adjudged to imprisonment in one of the said prisons at hard labour or in solitude or both, or to imprisonment only for any time not exceeding one year, or to all or either of the said punishments in the discretion of the said justices or court : *And farther* that every person who shall be a second time or oftner duly convicted or attainted of any offence specified in this clause, shall instead of the punishment now annexed to such crimes be adjudged by the justices or court who shall give judgment thereupon to imprisonment in one of the said prisons at hard labour or in solitude or both, for any time not exceeding three years.

Second
offence.

Whipping
abolished.

And be it further enacted, That so much of the act entitled "An act for the speedy trial and punishment of such persons as shall commit any offences under the degree of grand larceny" as authorizes any court or justices to award or order any person to be punished by whipping shall be and hereby is repealed.

Where im-
prisoned on
short
sentences.

And be it further enacted, That if any person shall be convicted or attainted of any offence whatsoever, and shall thereupon be adjudged by the justices or court who shall give judgment thereupon to imprisonment only for any term not exceeding six calender months or to pay a fine, and shall be committed until paid, every such person shall be imprisoned in the gaol of the county where such conviction shall happen and not elsewhere, any thing in this act to the contrary notwithstanding.

Allowance
for ex-
pences out
of fines.

And be it further enacted, That where any person shall be convicted of and fined for any crime or misdemeanor, the court may in their discretion allow such expences to witnesses and prosecutors out of the same fine as such court shall judge reasonable, not exceeding the sum of five pounds, and shall cause an entry thereof to be made in the minutes of the court, and the clerk in the estreat thereof, shall mention the same in order that the court of exchequer may know how much of the said fine is to be answered to the people of this State, and when such fine is paid to the sheriff or other officer, he shall pay such expences so allowed out of the same.

Punish-
ment for
certain
offences in
New York
city.

And be it further enacted, That if any person shall be duly convicted in the city and county of New York, of any offence specified in the said act entitled "An act for the speedy trial and punishment of such persons as shall commit any offences under the degree of grand larceny," it shall be lawful for the justices or court before whom such person shall be convicted, until the said prisons shall be ready for the reception of prisoners as aforesaid, to substitute at their discretion as heretofore instead of the punishments prescribed by this act, a confinement of the offender to the bridewell of the said city at hard labour therein, or at any other work or employment, at any other place within the said city, any thing in this act to the contrary notwithstanding.

Treason,
only, to
work for-
feiture.

And be it further enacted, That no conviction or attainder of any person for any offence herein before specified, except treason, shall hereafter work a forfeiture of goods chattels lands tenements or hereditaments or of any right therein.

Certain
forfeitures
abolished.

And be it further enacted That all forfeitures to the people of this State in the nature of deodands, and in cases of suicide, and where any person shall flee from justice shall be and hereby are abolished.

Certain
questions
not to be
tried.

And be it further enacted That it shall not be necessary on the arraignment or trial of any person for treason or felony to ask the prisoner? How he will be tried, nor to charge the jury to enquire? Whether the

prisoner fled or not, or what goods or chattels lands and tenements the prisoner at any time had.

And be it further enacted, That instead of the mode now used for electing jurors in capital cases, the jury shall in all criminal cases hereafter be ballotted for in the same manner as is now used in civil cases. *Provided* that nothing herein contained shall be construed to take away the right of peremptory challenges in all cases where the same are now allowed by law. How jury obtained.

And be it further enacted That if any person shall hereafter be convicted of any crime committed before the passing of this act, the punishment whereof is hereby changed, he or she shall be sentenced to such pains and punishments as by the laws now in force are directed to be inflicted unless such convict shall openly pray the court who shall give judgment thereupon, that sentence may be pronounced against him or her according to the provisions of this act for the like offence, in which case the said court shall comply with the said prayer and pass such sentence on such convict as they would have done if such offence had been committed after the passing of this act. Crimes committed before this act passed.

And in order to carry this act into execution

Be it further enacted That there shall be erected in the city of New York, at such place as the commissioners herein after first named shall appoint, a strong building, to be called, "the State prison of the city of New York," and to be appropriated exclusively for the reception of convicts who may be sentenced to punishment therein. And that there shall be erected in the city or county of Albany, at such place as the commissioners herein after secondly named shall appoint, a strong building, to be called, "the State prison in the county of Albany," and to be appropriated exclusively for the reception of convicts who may be sentenced to punishment therein. And that John Watts, Mathew Clarkson, Isaac Stoughtenburgh, Thomas Eddy and John Murray Junior shall be and are hereby appointed a board of commissioners for erecting and building "a State prison in the city of New York." And that the said commissioners shall be and hereby are authorized to purchase a suitable lot or lots not exceeding two acres in the whole for the purpose of erecting such prison thereon, and to take a conveyance for the same to the people of the State of New York, and cause a prison to be erected thereon upon such plan and construction and of such dimensions as they shall deem best adapted for the safe keeping and employing convicts who may be sentenced to punishment therein. And that Philip Schuyler, Abraham Ten Broeck, Daniel Hale, Jeremiah Van Rensselaer and Tunis Ts. Van Veghten shall be and hereby are appointed a board of commissioners for erecting and building "the State prison in the county of Albany." And that the said last mentioned commissioners shall be and hereby are authorized to purchase a suitable lot or lots not exceeding four acres in the whole for the purpose of erecting such prison thereon, and to take a conveyance for the same to the people of the State of New York and cause a prison to be erected thereon upon such plan and construction and of such dimensions as they shall deem best adapted for the safe keeping and employing convicts who may be sentenced to punishment therein. And to the end that the said commissioners may be enabled to defray the expence of building the said prisons and to make payment for the purchases to be by them made as aforesaid, the treasurer of this State shall from time to time on the warrants of the person administering the government of this State for the time, being pay to the order of the said commissioners for erecting a State prison in the city of New York, and to the order of the said commissioners for erecting a State State prison in New York city.
Id., in Albany.
Commissioners, New York.
Id., Albany
Appropriation.

prison in the county of Albany, out of any monies in the treasury not otherwise appropriated the sum or sums mentioned in such warrants.

Proviso, as to amount. *Provided* that such sum or sums of money to the said commissioners for erecting a State prison in the city of New York shall not in the whole exceed twenty five thousand pounds. And that such sum or sums of money to the said commissioners for erecting a State prison in the county of Albany, shall not in the whole exceed twenty thousand pounds.

Erection of prisons. *And be it further enacted* That it shall and may be lawful for the said commissioners for erecting the said State prison in the city of New York, and for the said commissioners for erecting a State prison in the county of Albany, to appoint a proper agent or agents out of their body or otherwise, to purchase the requisite materials for building the said prisons respectively, and to superintend the mechanicks and labourers to be employed in erecting the same, and to keep such accounts and to do and discharge all such other duties incident to the premises as shall from time to time be enjoined and directed by such commissioners respectively, who are hereby authorized to stipulate with such agent or agents the compensation to be allowed for such services.

Accounting for moneys *And be it further enacted* That the said commissioners shall respectively account with the auditor of this State for the expenditure of all monies which shall come to their hands respectively by virtue of this act, at or before the next meeting of the legislature, and whenever they shall be thereunto afterwards required.

Majority may act. *And be it further enacted,* That all and every the duties enjoined on each board of the commissioners appointed by this act shall and may be executed by a majority of each board or by a majority of the survivors thereof.

Inspectors of prisons. *And be it further enacted,* That the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment shall from time to time and as often as it shall be necessary appoint such number of persons for each of the said prisons as shall be necessary to form a board of inspectors therefor. *Provided* that there shall not be more than seven inspectors at any one time for each prison, and that the inspectors shall meet at the prison for which they are respectively appointed once at least in every month and oftener if necessary or if required by the visiting inspectors herein after-mentioned, and that the said inspectors of each of the said prisons together with the justices of the supreme court or any two of them shall have power from time to time to make such rules as they shall deem proper for the government of the convicts confined in each of the said prisons respectively, their diet clothing and maintenance, and for all other the interior regulations of the said respective prisons not inconsistent with the laws and constitution of this State and the intention of this act. And the said inspectors of each of the said prisons shall appoint two or more of their members to be visiting inspectors, and renew such appointment at least once in every month and whose duty it shall be to visit the prison for which they are inspectors once at least in every week.

Keepers of prisons. *And be it further enacted* That the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, shall as often as may be necessary appoint a keeper for each of the said prisons, and that such keepers shall if to be procured, be persons having some mechanical profession, and that it shall be the duty of such keepers to receive all prisoners adjudged to imprisonment in the said prisons respectively by virtue of this act, and them safely to keep in such manner as their respective sen-

tences shall direct, and according to the rules to be made for their government diet cloathing and maintenance, and the interior regulations of the said prisons as aforesaid, and that the said keepers shall each of them receive for their services at and after the rate of three hundred and fifty pounds annually to be paid quarter yearly by the treasurer of this State out of the monies not otherwise appropriated, on a warrant to be given therefor by the person administering the government thereof.

And be it further enacted, That the keeper of each of the said prisons shall appoint his assistants. *Provided* that the number shall from time to time be determined by the inspectors thereof and that no person shall be appointed an assistant, other than with the approbation of a majority of the inspectors, and that if such assistants shall be of any mechanical profession it shall be a part of their duty to instruct the convicts in such work as may be assigned them so far forth as such assistants may be able to afford such instruction; and that each assistant shall receive for his services at and after the rate of one hundred pounds per annum, payable in the same manner as the compensation to the keepers is herein before directed to be made.

Assistant
keepers.

And be it further enacted, That it shall and may be lawful for the inspectors of each of the said prisons either by themselves or by an agent or agents to be by them from time to time appointed, to purchase such cloathing, bedding, provisions, tools, implements, raw or other materials on which to employ the convicts, and generally whatsoever else may be requisite, proper and incident to the execution of the trust conferred on the said inspectors by this act, and shall cause to be kept regular accounts of all the articles so to be purchased, and of the avails arising on the sales of any articles manufactured by the convicts in such prisons, and shall also cause separate accounts to be opened for each of the convicts who shall from time to time be committed to either of the said prisons, in which account the convict shall be charged with the expence of prosecution cloathing bedding and subsistence, and with a due proportion of the expence of the raw materials and implements upon which and with which such convict may be employed, and to credit such convict with the avails arising from any labour by him or her performed, and if such credit shall exceed the debit side of the account it shall be in the discretion of the inspectors when such convict is discharged, to give him or her a part or the whole of such excess, and if the whole is not given to carry the residue to the credit of the State, together with the whole of such excess if any convict is sentenced to imprisonment for life and does not obtain his discharge by a pardon from the executive.

Support of
prisoners;
manufac-
tures.

And be it further enacted That whenever either of the said boards of commissioners shall signify to the person administering the government of the State for the time being, that the prison to be built under the direction of such board is so far completed as to be ready for the reception of convicts. It shall and may be lawful for the treasurer of the State on the warrant of the person administering the government of the State for the time being, to pay to the order of the inspectors for the time being of such prison, the sum of money in such warrant to be expressed not exceeding the sum of one thousand pounds to be by the said inspectors applied to carry into effect what is enjoined them by this act, and also such other contingent expences as may arise in the premises, and shall account with the auditor of this State for all monies by them received and disbursed, and also shall annually render to the legislature a general account of the State prisons, and of the prisoners therein respectively.

When ap-
propriation
to be paid
inspectors

Expenses
of transfer
of pris-
oners.

And be it further enacted That in all cases where any person or persons shall be adjudged to imprisonment in either of the said State prisons by virtue of this act, all expences and charges to arise in conveying of such offender or offenders to either of the said State prisons, and also the sustenance and safe keeping of such offender or offenders therein shall be defrayed out of the treasury of this State.

Certificate
of convic-
tion;
sheriff's
mileage.

And be it further enacted That when any person shall be sentenced to imprisonment in either of the said State prisons, the clerk of the court shall make and deliver a copy of the sentence to the sheriff who shall when he conveys such convict to such State prison, deliver the same copy with the prisoner to the keeper thereof, and the said keeper shall thereupon pay the said sheriff for conveying such convict to the said prison one shilling and sixpence a mile to be computed from the place where such prisoner was convicted, and shall deliver the account thereof the inspectors of such prison who shall hereupon repay the said keeper out of any monies in their hands.

Oath of
office of
keepers;
bond.

And be it further enacted, That the keepers of the said prisons, shall before they enter upon the execution of the trust reposed in them by this act, take and subscribe before any judge or justice of the peace, an oath, well and faithfully to demean themselves in their respective offices, and shall also each of them execute a bond to the people of this State, with sufficient sureties, to be approved of by the inspectors of the prison for which such keeper shall be appointed, or a majority of them, which bonds and a certificate of such oath having been taken, shall be lodged in the office of the clerk of the county where such prison is, and which bond shall be in the penal sum of one thousand pounds, conditioned that such keeper shall well and faithfully perform the duties required of him by this act.

Confine-
ment of
prisoners
before
completion
of prisons.

And be it further enacted, That every person who shall be convicted of any offence made punishable by this act by imprisonment, shall until the State prison in which such person or persons are to be imprisoned, be built, and ready for the reception of prisoners sentenced to imprisonment therein by virtue of this act it shall be lawful for the justices or court who shall give judgment thereupon, and they are hereby required to direct and cause any person so convicted and sentenced to imprisonment to be confined in the gaol of the county wherein such conviction shall be had, or in any other of the county gaols in this State at their discretion, until the State prison wherein such person or persons are to be imprisoned shall be ready for the reception of prisoners. And that until such State prisons shall be built, the sustenance and safe keeping of the offenders shall be at the expence and charge of the counties respectively in which the conviction shall be had.

When pris-
oners to be
conveyed
to State
prisons.

And be it further enacted, That the person administering the government of this State for the time being as soon as either of the said State prisons is ready for the reception of prisoners shall issue a proclamation giving public notice thereof, and directing the sheriffs of the several counties to convey the prisoners in the gaols of their counties to the State prison wherein such offenders are to be imprisoned, and that thereupon the said sheriffs shall forthwith safely convey such prisoner to such prison.

Commuta-
tion of
death sen-
tences.

And be it further enacted, That it shall and may be lawful for the person administering the government of this State for the time being in all cases in which he is authorized by the constitution to grant pardons, to grant the same to persons now under sentence of death, and if he shall not deem it proper to grant the same without conditions, to stipulate in such pardons, that the convict shall be confined to imprisonment

in the gaol where such convict now is, until the State prisons or one of them shall be ready for the reception of prisoners and then to be confined in one of the said State prisons to hard labour or to solitary confinement for such term as the said executive in his discretion shall deem meet and proper. And the keeper of such State prison is hereby required to receive such convict, and observe such order, in the same manner as tho' such convict had been adjudged to imprisonment by the court under this act.

And be it further enacted, That all such convicts as aforesaid who shall be sentenced to imprisonment in either of the said prisons shall be clothed in habits of coarse materials, uniform in colour and make, and be sustained upon inferior food at the discretion of the said inspectors, and shall be kept as far as may be consistant with their sex age health and ability to hard labour; and if the work to be performed is of such a nature as may require previous instruction, and neither the keeper nor assistants can give instruction therein proper persons for that purpose to whom a suitable allowance shall be made, shall be provided by the visiting inspectors to be appointed by virtue of this act, during which labour the said offenders shall be kept separate from each other if the nature of the employments will admit thereof; and where the nature of such employment requires two or more to work together, the keepers of the said respective prisons or their assistants shall if possible be constantly present.

How convicts clothed; labor.

And be it further enacted, That no person whatever, except the keeper, assistants or servants, the said inspectors, officers and ministers of justice, ministers of the gospel, or persons producing a written licence signed by two of the inspectors, shall be permitted to enter within the walls where such offender shall be confined.

Admission of visitors

And be it further enacted, That the inspectors of the said prisons respectively, shall and may from time to time appoint a physician to attend such prison, who shall receive a compensation for all his services by him performed, to be determined by the inspectors of the said prisons respectively.

Physician to prison.

And be it further enacted, That the keepers of the said prisons shall have power to punish all convicts for assaults, profane cursing and swearing, or indecent behaviour, idleness or negligence in work, or wilful mismanagement of it, or of disobedience of all lawful orders and regulations, by confining such offenders in the solitary cells of the said prisons and by keeping them on bread and water only, for such term as any two of the said inspectors shall judge proper and necessary.

Punishment of convicts.

And be it further enacted, That if either of the keepers of the said prisons, or their assistants or servants or other person what ever, shall introduce into, or give away, or barter or sell within either of the said prisons any spirituous or fermented liquors (excepting only such as the said keepers shall use in their own families, or such as the inspectors thereof may permit, or such as may be required for any prisoner in a state of ill-health, and for such purpose prescribed by an attending physician) such person shall forfeit and pay the sum of five pounds to be recovered with costs of suit, by any person who will sue for the same before any justice of the peace of the county, the one moiety of which forfeiture, shall when recovered, be retained by the person recovering the same, and the other moiety to be paid* to be paid to the inspectors for the purposes in this act contained.

Use of liquors in prisons prohibited.

* So in original.

To which
prison
offenders
to be sent.

And be it further enacted, That the State prison to be built in the city of New York, shall when compleated and ready for the reception of prisoners, be the prison for such offender or offenders as may in the southern and middle districts of this State, be sentenced to imprisonment by virtue of this act; and that the State prison to be built in the county of Albany, shall when compleated and ready for the reception of prisoners, be the prison for such offender or offenders as may in the eastern and western districts of this State be sentenced to imprisonment by virtue of this act.

Majority
may act.

And be it further enacted, That all and every duty enjoined on the respective boards of directors to be appointed in conformity to this act, shall and may be executed by a majority of such board or the majority of such of them as shall from time to time be in office.

Power of
sheriffs
during
transfers.

And be it further enacted, That the sheriffs of the several counties within this State, during the time that they or either of them shall be conveying to either of the said State prisons any person or persons convicted in any of the counties within this State, according to this act, shall have the same power and the like authority, to demand the assistance of any of the people of this State in securing all such persons, as if such sheriff were in the county for which he is appointed sheriff; and all persons shall be aiding and assisting such sheriff under the same penalties as if such sheriff was in his proper county.

CHAP. 31.

AN ACT to enable the freeholders and inhabitants of a part of the township of Schenectady therein mentioned to elect commissioners for certain enumerated purposes.

PASSED the 26th of March, 1796.

Commissioners of
police of
Schenec-
tady.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the freeholders and inhabitants residing in that part of the township of Schenectady which lies to the southward of the Mohawk river and not more than three quarters of a mile distant from the Dutch church and who are entitled to vote at town meetings to assemble on the first Tuesday of May ensuing the passing of this act and on the first Tuesday in May in every year forever thereafter at such place as shall be previously appointed by public advertisement at least ten days before the day of election by the justices of the peace residing within the limits aforesaid who are hereby made inspectors of said election, and then and there by plurality of voices to elect nine freeholders commissioners to regulate the police of said town who shall continue in office until the second Tuesday of May in the ensuing year or until others are chosen in their room.

Streets,
ferries,
markets,
etc.

And be it further enacted That it shall and may be lawful for the commissioners aforesaid from time to time to make such prudential rules orders and regulations as they or a majority of them shall deem proper for regulating cleansing and paving the streets for regulating the mode of conducting the ferry within the limits aforesaid for establishing and regulating a market and market house for sweeping and cleaning chimneys for the more effectual and orderly prevention and removal of nuisances and for the due regulation and management of all other matters which appertain to and may concern the good government and police of the said town within the limits aforesaid. *Provided*

that such bye laws be not contrary to or inconsistent with the constitution and laws of this State and to impose such penalties on the offenders against such rules orders and regulations as they in their discretion shall deem meet and proper not exceeding the sum of forty shillings for any one offence which penalty shall be recovered by the said commissioners for the time being in their own names with costs of suit for the use of the said freeholders and inhabitants by action of debt before any justice of the peace residing in the said town.

And in order to insure the benefit intended by this act.

Be it further enacted That the commissioners aforesaid shall cause an estimate of the expense that may accrue in digging out filling up pitching and paving any of the streets within the limits aforesaid to be taken and an equitable assessment thereof to be made among the owners or occupants of the houses and lots of ground benefited thereby in proportion as nearly as may be to the advantage they shall be deemed respectively to receive therefrom and in order that the same may be impartially performed the said commissioners shall from time to time appoint seven freeholders for this purpose who shall before they enter upon the execution of the trust reposed in them be duly sworn before one of the justices of the peace of the said town to make the said assessment fairly and impartially according to the best of their skill and judgment and a certificate in writing of such assessment being returned to the said commissioners and ratified by them shall be binding and conclusive upon the owners and occupants of such lots and houses so to be assessed and respectively and such owners and occupants shall thereupon become liable and chargeable and they are hereby required on demand to pay to such person or persons as shall be authorized by the written order of the commissioners to receive the same and in default of payment thereof it shall and may be lawful for the said commissioners by warrant under their hand and seal to cause said sum or sums of money so assessed to be levied by distress and sale of the goods and chattles of the owner or occupants of such house or lot so assessed and refusing or neglecting to pay the same, rendering the overplus if any there be after deducting the sum assessed and the charges of distress and sale to such owner or occupant or his or her legal representative.

Paving and
grading of
streets,
assessment

Provided that it shall be lawful for the said commissioners to direct and establish the rates at which any labor performed or materials furnished by any such owner or occupant for and towards the digging out filling up pitching and paving in manner aforesaid shall be credited on the said assessment.

Provided also that the amount of the expense to be estimated and levied by the commissioners as aforesaid shall not in any one year exceed the sum of three hundred pounds.

And be it further enacted That nothing in the preceding clause shall be construed to effect any contract or agreement which hath been or shall be made between any landlord and tenant respecting the payment of any such charges or repairs but that they shall be answerable to each other in like manner as if this act had never been made and in case any money so from time to time to be assessed for the purposes aforesaid shall be paid by any person when by agreement or by law the same ought to have been paid by some other person that then it shall and may be lawful for the person so paying the same and he shall be and hereby is authorized and empowered to sue for and recover the same with interest and costs of suit in any court having cognizance thereof as so much money paid for the use of the person for whom or for whose use the same shall have been paid.

Landlord
and tenant.

Second
assessment

And be it further enacted That if after compleating any work authorized by the third section of this act it shall appear that more money has been necessarily expended than was actually estimated and collected it shall be lawful for the said commissioners to cause a further assessment to be made, of the sum which such necessary expenditure shall exceed the sum so estimated and collected as aforesaid upon the owners and occupants of the houses and lots before assessed and to cause the same to be collected in like manner as herein before directed and in case the sums actually expended shall be less than the sum expressed in such estimate and actually collected as aforesaid the surplus shall be forthwith returned to the respective persons from whom the same were collected and received or his or her legal representative in proportion to the sum or sums which they were assessed and actually paid.

Majority
may act.

And be it further enacted That all and singular the duties enjoined on the commissioners to be appointed by virtue of this act shall and may be performed by a majority of them and that a majority of the freeholders to be appointed to assess the monies to be assessed for the purposes in this act mentioned shall have the same power as if all were present at the making of such assessment.

CHAP. 32.

AN ACT directing the manner of appointing electors for the election of a president and vice president of the United States.

PASSED the 26th of March, 1796.

Electors of
president
and vice-
president;
how
chosen;
where to
meet.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That whenever an election of a president and vice president of the United States, shall be become necessary at the ordinary period, or prior thereto, electors shall be appointed in this State for such election in the manner provided by the constitution of this State for the appointment of delegates to represent this State in the then general Congress of the United States of America. And that the legislature shall meet for that purpose on the first Tuesday of November next and on the first Tuesday of November in every fourth succeeding year. And the electors shall meet and give their votes at the city of Hudson in the county of Columbia, at the time and in the manner directed in and by the act of Congress entitled "An act relative to the election of a president and vice president of the United States, and declaring the officer who shall act as president in case of vacancies in the offices both of president and vice president" and then and there do execute and perform all the duties enjoined on them by the said act.

Notices to
be given.

And be it further enacted That the executive of this State, immediately after any appointment of electors for the election of a president and vice president, of the United States, shall, by express at the expence of this State, cause notice of such appointment to be given to each of the persons so appointed; and shall also on or before the meeting of the electors cause such list of the names of the electors to be delivered to them as is directed by the said act of Congress.

Legislature
to be con-
vened.

And be it further enacted That whenever an election of a president and vice president shall become necessary, prior to the ordinary period, the executive of this State shall by proclamation convene the legislature of this State on the first Tuesday of November thereafter, in order that electors may be appointed for the purpose.

CHAP. 33.

AN ACT relative to the courts of common pleas and general sessions of the peace in the county of Onondaga.

PASSED the 26th of March, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That there shall be an additional term of the court of common pleas and of the court of general sessions of the peace in the county of Onondaga; and that the said courts shall be held at the times and places following, that is to say; the first term of the said courts shall be held in the town of Manlius in the said county on the fourth Tuesday in the month of May next; another term of the said courts shall be held in the town of Scipio on the fourth Tuesday in September next; and a third term shall be held in the said town of Manlius on the fourth Tuesday in January next; and every subsequent term in each year shall be held alternately in the said towns of Scipio and Manlius on the days respectively above mentioned any thing in any former law to the contrary notwithstanding. Onondaga county, terms of court in.

And be it further enacted That it shall and may be lawful to and for the judges and justices of the said courts to continue and hold the said courts, from the days on which by this act the terms are severally to commence until the Saturday following inclusive. *Provided nevertheless* that it shall and may be lawful for the said courts to adjourn to the next succeeding term on any day previous to the last day to which the power of holding the said courts is hereby limited as aforesaid. When terms to end.

CHAP. 34.

AN ACT authorizing a loan of money to James Grier.

PASSED the 26th of March, 1796.

WHEREAS James Grier of the town of Clermont in the county of Columbia hath represented to the legislature that he intends to establish and prosecute the manufactory of several articles, the produce of the United States. Therefore Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the treasurer of this State is hereby authorized and directed to advance on loan to the said James Grier out of any monies in the treasury, not otherwise appropriated and on the first day of May next, the sum of six thousand pounds. *Provided* that the said James Grier shall previous to receiving the said monies directed to be loaned him by virtue of this act, enter into a bond to the people of the State of New York, in the penal sum of twelve thousand pounds, conditioned for the faithful payment of the said sum of money, in six years from the date of the said obligation, together with interest annually for the same, at the rate of six per cent by the year; and that the said James Grier, or some other person in his behalf shall execute to the said treasurer a good and sufficient mortgage, upon such unincumbered real estate, of double the value of the said money, as the treasurer the attorney general and surveyor general shall think sufficient (exclusive of any Loan to James Grier, for manufacturing iron and to-bacco.

buildings on the same) for securing the sum of money loaned by this act, with interest on the same as aforesaid, which said mortgage the treasurer is hereby directed to procure to be duly recorded and to hold the same for the use of the people of this State; *and provided also*, that before any money shall be advanced on loan as herein before directed, the said James Grier shall give such security to the treasurer as he shall deem sufficient, that the money received by the said James Grier in virtue of this act shall bona fide be applied to the purpose of prosecuting the manufactory of iron and tobacco within this State.

CHAP. 35.

AN ACT to amend an act entitled "An act for the better levying and accounting for fines, forfeitures, issues, amerciaments and debts due to the people of this State.

PASSED the 26th of March, 1796.

Executions
out of court
of ex-
chequer.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, That in future all executions to be issued by the court of exchequer, for levying a fine imposed on any grand juror, petit juror or other officer, for refusing or neglecting to attend a court shall be only against the goods of the debtor or defendant; and where there shall be more than one such defendant in a county, then, instead of a separate execution against each defendant, it shall be sufficient, if the names of the several defendants, and opposite thereto, the debts to be made of their goods respectively shall be written on a schedule to be annexed to an execution, commanding the sheriff, that of the respective goods and chattles of the several defendants named in such schedule, he cause to be made the several debts therein specified opposite to the names of the said defendants respectively.

Contents
of execu-
tion.

And be it further enacted That such part of the said act which requires the sheriff, where the execution shall be against the body lands and goods, if sufficient goods and chattles of the debtor or defendant shall not be found, to enquire what lands or tenements the debtor or defendant hath or was seized of, shall be repealed; and instead thereof in future, such execution shall require the sheriff, if sufficient goods or chattels of the debtor or defendant cannot be found in his bailiwick, then, that he cause the debt to be made of the lands and tenements whereof such debtor or defendant was seized on the day when such lands or tenements became liable to such debt, in the usual form as in writs of fieri facias in private suits.

Audit of
account of
sheriffs.

And be it further enacted, That if on auditing the account of any sheriff to be audited in the said court, a ballance shall be found in favor of such sheriff, he shall be entitled to receive the same out of the treasury of the State on a certificate under the hand of the judge and under the seal of the said court; and that sheriffs shall be allowed in their accounts, for all services done by them in their offices for the public, the like fees as are allowed for the like services in causes between private parties. *And further*, where a fine imposed on a grand juror, petit juror, or any officer for neglecting or refusing to attend a court, shall have been levied by the sheriff and by him paid to the clerk of the said court, and shall afterwards on the petition of the defendant be remitted, by the said court, in whole or in part, such defendant shall on a like certificate,

be entitled to receive the sum so remitted out of the treasury of the State.

And be it further enacted That every execution for levying such fines shall contain a clause, commanding the sherif, that at the time of levying the fines, he notify the defendants severally, that if they shall deem they have sufficient matter to shew for remitting the fines levied, from them respectively, that they appear in the said court of exchequer on the first day of the then next ensuing term of the supreme court, or at the first circuit court to be thereafter held in the county to shew such matter. And the judges of the supreme court shall severally certify into the court of exchequer, the allegations and proofs of the defendants made before them in that behalf at the circuit courts held by them respectively.

Notice to
show cause
for remitting
fines.

CHAP. 36.

AN ACT relative to the courts of common pleas and general sessions of the peace in several of the counties in this State.

PASSED the 26th of March, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That instead of the fourth Monday in September in every year, one of the terms now prescribed by law for holding the courts of common pleas and general sessions of the peace in and for the county of Richmond, the said courts shall hereafter be held on the second Tuesday in September in every year, and may be held until the Saturday next following inclusive, or may be sooner adjourned to the next term, if the same courts shall see fit.

Courts in
Richmond
county.

And be it further enacted That instead of the second Tuesday in October in every year, one of the terms now prescribed by law for holding the courts of common pleas and general sessions of the peace in and for the county of Orange the said courts shall hereafter be held on the first Tuesday in October in every year, and may be held until the Saturday next following inclusive, or may be sooner adjourned to the next term, if the same courts shall see fit.

Courts in
Orange
county.

And be it further enacted That instead of the second Monday in November in every year, one of the terms now prescribed by law for holding the courts of common pleas and general sessions of the peace in and for the county of Columbia, the said courts shall hereafter be held on the third Monday in November in every year, and may be held until the Saturday next following inclusive, or may be sooner adjourned to the next term, if the same courts shall see fit.

Courts in
Columbia
county.

And be it further enacted, That hereafter there shall be held in and for the counties of Montgomery and Schoharie respectively, only two courts of general sessions of the peace in any one year, which said courts of general sessions of the peace in the county of Montgomery shall be held on the second Tuesday of February and June in every year, and in the county of Schoharie on the last Tuesday in May and the first Tuesday in January in every year, and may be respectively held until the Saturdays next following inclusive or may be sooner adjourned if the said courts shall see fit.

Montgom-
ery and
Schoharie.

CHAP. 37.

AN ACT establishing the rates of ferriage across the East river between the counties of Queens and Westchester.

PASSED the 26th of March, 1796.

Rates of
ferriage
between
Cow Neck
and New
Rochelle.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That it shall and may be lawful, for the persons who now are, or hereafter may be authorized to keep the ferries established between Cow Neck in Queens county and New Rochelle in West Chester county, instead of the ferriage now allowed by law, to ask, demand and receive at and after the rates following, to wit; for each man and horse six shillings; for a foot passenger, if one only, four shillings; if more than one, then two shillings each; for a horse and chair with passengers eight shillings; for every head of neat cattle two shillings, for every sheep calf or hog four pence; for a waggon with two horses and passengers twelve shillings; for a sled and two horses with passengers twelve shillings; for a sled and one horse with passengers eight shillings, and so in proportion for other things. *And further* that it shall and may be lawful for the persons who now are or hereafter may be authorized to keep the ferries between the town of Rye in Westchester county, and the town of Oyster Bay in Queens county, instead of the ferriage now allowed by law, to ask, demand and receive at and after the rates following, to wit; for each man and horse eight shillings; for a foot passenger if one only five shillings; if more than one, then two shillings and sixpence each; for a waggon and two horses with passengers, sixteen shillings; for a horse and chair with passengers, ten shillings; for every head of neat cattle two shillings and sixpence; for every sheep calf or hog, sixpence; for a sled and two horses with passengers sixteen shillings; for a sled and one horse with passengers ten shillings; and so in proportion for other things.

Id., Oyster
Bay and
Rye.

CHAP. 38.

AN ACT to prevent the bringing in and spreading of infectious diseases in this State.

PASSED the 1st of April, 1796.

Health
officer and
commissioners.

I. *Be it enacted by the People of the State of New York represented in Senate and Assembly* That a person practising physic shall be appointed health officer for the city of New York and that several persons shall be appointed commissioners of the health office for the said city and by which several names of office the said persons shall be respectively known in the law.

Quarantine
of vessels.

II. *And be it further enacted* That all vessels arriving in the port of New York from parts beyond the sea having on board forty passengers, all vessels arriving in the said port having on board a person sick with a fever, all vessels arriving in the said port on board of which a person may during the time such vessels were at the foreign port from which they last sailed, or during their passage from thence to the port of New York have died of a fever, and all vessels arriving in the said port from places where at the time of their departure an infectious disease prevailed,

shall be subject to quarantine of course. That it shall be lawful for the person administering the government of this State from time to time whenever and as he shall judge advisable to issue his proclamation declaring what other vessels to be described as coming from the countries islands, or ports therein to be mentioned, shall also be subject to quarantine. That it shall in like manner be lawful for him to issue his proclamation assigning and limiting the places or spaces where all vessels subject to quarantine shall on their arrival within the said port be brought to anchor and remain until they shall have been visited and examined by the said health officer and by him reported to some one of the said commissioners to be free from infection. That it shall in like manner be lawful for him to issue his proclamation prohibiting or regulating the intercourse by land or ferries between this State and such places within any other of the United States where he shall be informed an infectious disease doth prevail. That all persons offending in the premises shall be liable to be punished as for a misdemeanor by fine and imprisonment in the discretion of the court having thereof cognizance and moreover it shall be lawful for the said commissioners to cause any vessel subject to quarantine which before she shall have been so visited examined and reported as aforesaid shall be brought to anchor elsewhere within the said port of New York and all vessels, although not described in this act or in such proclamation as above mentioned as vessels subject to quarantine having on board a person sick with a disease which in the judgment of the health officer there shall be reason to apprehend is infectious or having on board articles which may be apprehended to contain infection to be removed to and brought to anchor within the said places or spaces so to be assigned and limited and to cause all persons and articles which may have been landed to be arrested and seized and to be returned on board such vessels, or removed to the lazaretto herein after mentioned, and it shall also be lawful for them to cause all persons who shall come into this State contrary to the prohibition or regulations in such proclamation as last mentioned to be arrested and if well to be conveyed to the place out of this State from whence they last came or if sick to be removed to the said lazaretto.

III. *And be it further enacted* That the said health officer shall without delay visit and examine all vessels subject to quarantine and whenever he shall judge any such vessel to be free from infection he shall so report her to some one of the said commissioners and he shall be entitled to receive from the master of every vessel so to be visited by him if coming from a foreign port the sum of three pounds and if coming from a port within the United States the sum of thirty two shillings for his services therein and the commissioners shall cause him at all times when he shall require it to be furnished with a convenient boat and with men sufficient to row the same and to that end if they shall deem it most convenient, it shall be lawful for them to contract with any person for that purpose. And in order that the said health officer may be enabled the better to perform the examination of vessels subject to quarantine it shall be lawful for him to put all such questions to the persons on board any such vessel as shall be needful and proper to that end and the persons to whom such questions shall be put shall respectively truly answer the same on oath and which oath he is hereby authorized to administer accordingly and every person swearing falsely in the premises shall be considered as liable to the pains and penalties for wilful and corrupt perjury.

Health
officer,
duty of

IV. *And be it further enacted* That it shall be lawful for the person administering the government of this State to cause a building suitable

Lazaretto
to be
erected.

to serve for a lazaretto the expense whereof exclusive of the monies to be expended for the purchase of lands if any shall be purchased not to exceed the sum of two thousand pounds to be erected on Nutton island or on other lands which may be deemed more eligible and which other lands he is hereby authorized to purchase for the people of this State for the reception of persons and articles arriving in a vessel subject to quarantine and by the health officer, or the said commissioners ordered or permitted to be removed from on board such vessel and for the reception of all persons within the said city sick with an infectious disease and who it may be necessary to have removed to such lazaretto.

Superintendence of lazaretto

V. *And be it further enacted* That the said health officer shall be physician to the said lazaretto and the commissioners of the health office shall in other respects have the superintendence thereof and employ mates nurses and attendants and provide bedding clothing fuel provisions medicines and such other matters as shall be requisite therein and it shall be lawful for them to make reasonable and prudential needful rules and orders for the government and management thereof.

Board and attendance at lazaretto

VI. *And be it further enacted* That all persons removed to the said lazaretto shall be liable to pay a reasonable sum for their board medicine and attendance therein and if any of them deemed to have sufficient means shall refuse to pay such sum the same shall be recovered from them by the said commissioners by suit in their own name.

Bedding may be destroyed.

VII. *And be it further enacted* That it shall be lawful for the said health officer whenever he shall judge it necessary to prevent infection to cause any bedding and clothing arriving in a vessel subject to quarantine to be destroyed.

Compensation.

VIII. *And be it further enacted* That the said health officer shall for his services as physician to the said lazaretto and the said commissioners shall for their services be entitled from time to time to such annual sum as the legislature shall judge reasonable.

Appropriations; to be paid on order of governor.

IX. *And be it further enacted* That it shall be lawful for the person administering the government to grant warrants on the treasury in favor of the following persons that is to say. In favor of the person or persons whom he shall employ as superintendant or superintendants to erect the said lazaretto the requisite sums for that purpose not to exceed in the whole the said sum of two thousand pounds above mentioned in favor of the commissioners of the health office to be expended by them in the execution of their trust by virtue of this act such sums as the said person administering the government shall from time to time judge necessary not to exceed in the whole the sum of one thousand pounds in any one year, and in favor of the vendor of any lands which may be purchased whereon to erect the said lazaretto the amount of the consideration money for such lands.

Report of infectious diseases to health office.

X. *And be it further enacted* That every person practising physick in the said city who shall attend a patient sick with a fever deemed by him to be infectious shall forthwith make report in writing of the case of such patient to some one of the commissioners of the health office, upon pain of forfeiting fifty dollars for every neglect to be recovered with costs of suit by action of debt in any court of record in the name of the commissioners of the health office and be applied when recovered to the relief of the poor in the said lazaretto."

Filling of lots and cleansing of streets, etc., in New York city; nuisances.

XI. *And be it further enacted* That it shall be lawful for the mayor aldermen and commonalty of the city of New York in common council convened from time to time as they shall judge advisable to make bye laws ordinances rules and orders for filling up or raising or for reducing or levelling any lot or lots within the said city and for cleansing and

scouring the streets allies passages curtilages yards cellars vaults sinks and other places within the said city and for regulating all manufactories of soap candles vellum glue leather or starch and all other manufactories and all works trades or businesses causing noxious effluvia or vapor in respect to the manner in which and the places or spaces within the limits of the said city where such manufactories works trades or businesses shall be carried on or used and whereby to preserve general health in the said city and for removing or destroying all offensive or putrid articles or substances which may be stored or otherwise collected and generally for preventing all other nuisances within the said city under such penalties of fines and forfeitures as shall be reasonable and in the cases wherein no fine or forfeiture shall be expressed the persons offending in such cases shall be punishable as for a misdemeanor by fine and imprisonment in the discretion of the court and also to enjoin on and commit to the commissioners of the health office and every of them such duties and authorities for the more effectual execution of every bye law ordinance rule and order to be made in this behalf as shall be necessary. *Provided nevertheless* that no such bye law ordinance rule or order shall remain in force longer than for twelve months from the day of the making thereof unless the same shall be allowed of or confirmed by the person administering the government of this State.

XII. *And whereas* the removal of such manufactories works trades or businesses as are above intended from the places where the same are now used or carried on may be attended with expence to the proprietor thereof to the end therefore that reasonable compensation on that account may be made to such proprietor,

Removal
of factories

XIII. *Be it further enacted* That whenever and as often as the mayor aldermen and commonalty of the city of New York shall order the removal in virtue of this act of any of the before described manufactories trades or businesses from the places in which at the time of passing this act the same shall be used or carried on it shall and may be lawful for the said mayor aldermen and commonalty of the said city of New York to treat and agree with the respective owners or proprietors of such manufactories trades or businesses respecting the compensation to be paid for such expenses and if any such owners or proprietors shall refuse to treat and agree in manner aforesaid then and in such case it shall and may be lawful to and for the said mayor and recorder and any two or more of the said aldermen by virtue of this act by a precept under their hands and seals to command the sheriff of the said city and county of New York to impanel and return a jury of freeholders to appear before the mayors court of the said city at any term not less than three weeks from the date of such precept to enquire into and ascertain the reasonable compensation which under all the circumstances of the case should be made to such owners or proprietors for the expenses of such removal as aforesaid which said jury being first duly sworn faithfully and impartially to enquire into and ascertain such compensation shall proceed to ascertain the same and the sum found by their verdict shall be paid by the said mayor aldermen and commonalty of the said city of New York to the said owners or proprietors and shall be deemed as part of the contingent expenses of the said city.

Damages
for remov-
als.

XIV. *And be it further enacted* That in addition to the provisions aforesaid if the owner or occupant of any lot shall refuse or neglect after convenient time to fill up raise reduce or level such lot in such manner as the same shall by any such bye law ordinance rule or order be required to be filled up raised reduced or levelled it shall then be lawful for the said mayor aldermen and commonalty to cause such lot to be

Filling of
lots, etc.,
where
owner
neglects.

so filled up raised and levelled and the amount of the monies which they shall advance for that purpose with lawful interest for the same shall be deemed a lien on such lot and shall be recoverable by them as for monies advanced for the use of the defendant by suit against the then or any future occupant or owner of such lot at their election.

Certain
acts recited
repealed.

XV. And be it further enacted That the act entitled "An act to prevent the bringing in and spreading of infectious distempers in this State" passed the fourth day of May 1784 except the second section thereof, and the act to amend the said act passed the 27th day of March 1794 shall so far as respects the city and county of New York be repealed. *Provided* that such repeal shall not be deemed to annul the appointment lately made of a physician to inspect vessels in pursuance of the said act first mentioned but the said physician shall be and hereby is declared to be by force of such appointment the health officer intended in this act.

CHAP. 39.

AN ACT supplementary to the act entitled "An act for the better support of Oneida Onondago and Cayuga Indians, and for other purposes therein mentioned."

PASSED the 1st of April, 1796.

Treaties
made by
agents
ratified.

Be it enacted by the People of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same, That all and every of the agreements, provisions and stipulations made, between Philip Schuyler, John Cantine, David Brooks and John Richardson, agents appointed on the part of the people of this State by the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned," and the Cayuga and Onondaga tribes of Indians; and between the said Philip Schuyler John Cantine and David Brooks, agents as aforesaid and the Oneida tribe of Indians, as the same agreements, provisions and stipulations are specified and contained in certain articles of agreement duly executed, and respectively bearing date the twenty seventh and twenty eighth days of July, and the fifteenth day of September last past, and now of record in the office of the secretary of this State, shall be and hereby are ratified and confirmed to all the intents and purposes specified in the said several articles of agreement.

Annual
payments
to Indians.

And be it further enacted, That the treasurer of this State for the time being, shall annually hereafter, until further legislative provision shall be made in the premises, and on the warrants of the person administering the government of this State for the time being, pay out of any monies in the treasury, unto such person as shall be authorized by the said warrants to receive the same, the following sums of money to wit, the sum of two thousand three hundred dollars for the use of the Cayuga tribe of Indians. The further sum of two thousand dollars for the use of the Onondaga tribe of Indians; and the further sum of three thousand five hundred and fifty two dollars for the use of the Oneida tribe of Indians, being the annuities respectively, to be paid to the said several tribes of Indians in conformity to the stipulations made in the said several articles of agreement, and also in lieu of the annuities to be paid to the said tribes respectively in conformity to the stipulations contained in certain other and former articles of agreement made with them by

commissioners on the part of the people of this State.—All which said several sums of money, it shall be lawful for the person administering the government of this State for the time being, to direct to be paid to the said tribes severally, in manner specified by the several articles of agreement first above mentioned.

And be it further enacted, That it shall and may be lawful to and for the agents appointed by the act aforesaid, to pay unto the agent of the United States for Indian affairs within this State, the sum of fifty dollars, to be by him paid unto the Cayuga chief called "Fish Carrier," or to the person who shall produce a certain certificate given to him by the said agents, taking duplicate receipts therefor one of which shall be endorsed on the said certificate, and the other filed in the office of the clerk of the county of Onondaga; and it shall be lawful for the said agents to commute with the said Fish Carrier or his legal representative for such annuity in extinguishments of his claim to an annual rent stipulated to be paid to him, as they in their discretion shall deem meet and proper subject nevertheless to legislative approbation.

And whereas seven persons resident on the lands heretofore reserved to the use of the Cayuga tribe of Indians, and whose claims to the right of pre-emption under the act aforesaid, have been deemed valid by the said agents, were found on a survey made subsequent to the execution of the articles of agreement with the said Indians, to be situate on the land still appropriated to their use, and it being proper, that provision should be made in the premises. Therefore

Be it further enacted, That it shall and may be lawful to and for the said agents, to assign to each of the persons so entitled to the right of pre-emption, one lot of land not exceeding in quantity two hundred and fifty acres of the lands so purchased as aforesaid from the Cayuga tribe, and to certify the same to the surveyor general, as entitled to the right of pre-emption on the terms specified in the act aforesaid.

And whereas it is necessary to provide, that a sufficient quantity of fuel should be reserved for the manufacture of salt from the salt springs at the salt lake in the county of Onondaga. Therefore

Be it further enacted, That the surveyor general shall be and he is hereby inhibited, from selling any part of the lands purchased from the Onondaga tribe of Indians, which lay to the north of the lots numbered from number seventy one to seventy nine both inclusive, and to the east of the lots numbered, number seven, twenty four, thirty eight and fifty two any thing in the act aforesaid to the contrary hereof notwithstanding.

And whereas Benjamin Hopkins has made improvements partly on one of the lots inhibited from sale as aforesaid, and partly on lands heretofore held in common with the Onondaga Indians, and his claim of pre-emption to the former having been allowed as valid by the said agents. Therefore

Be it further enacted, That the provision made in favor of the seven persons before alluded to in the fourth section of this act shall be and hereby is extended to the said Benjamin Hopkins.

And be it further enacted, That it shall and may be lawful to and for the said agents to quit claim on the part of the people of this State, to the Oneida tribe of Indians, all the lands tenements and hereditaments situate or lying between the Chittenengo and Canaserage creeks as far south as to meet an easterly line from the deep spring to the easternmost of the said creeks to be drawn by the shortest distance between the said spring and the said easternmost creek, and as far north as the junction of the said two creeks, and upon the conditions mentioned in the arti-

Fish carrier.

Cayuga lands reserved for pre-emption.

Certain lands not to be sold.

Benjamin Hopkins.

Quit claim of certain lands to the Oneida Indians.

cles of agreement with the said tribe of Indians, which quit claim shall contain a stipulation that the tract so ceded to the said Indians shall be to their use only, and shall not be sold or leased without the express permission of the legislature.

And whereas several locations have been laid in part covering the lands so to be quit claimed as specified in the preceding section of this act, and which locations have been certified to the commissioners of the land office as being made in conformity to law, but no grants having passed the great seal of this State for the same, and the persons having locations, and their legal representatives being willing to take other lands for the same. *And whereas also* Bass Chard Samuel Hatch and others their associates, or the legal representatives of those several persons are in conformity to laws of this State entitled to certain grants of land, and have located the same partly on the lands ceded to the Oneida tribe of Indians by virtue of the contingent agreements made between the said Indians and the agents and ratified by this act, and partly on lands lying between the Chittenengo branch of the Cannosseraga creek and the east bounds of the towns laid out on the military tract, and the said persons or their legal representatives being also willing to accept of other lands in lieu thereof. Therefore

Relocation
for lands
included
in tracts
reserved
to Indians

Be it further enacted That it shall and may be in the option of the persons having made such locations in either of the cases aforesaid either to withdraw the whole or such part thereof as lays within the tract described in the next preceding section; and in either case it shall and may be lawful to and for the said agents to assign an equal number of acres out of the tract by them purchased from the said tribe of Indians on the south side of Wood creek and to certify the same to the commissioners of the land office, who shall thereupon cause letters patent to be issued for the said land, thereby granting the same to the person or persons now entitled as aforesaid to the said land and to his or her heirs and assigns forever. *Provided always* that such tract so to be assigned shall be laid out in a square or as nearly so as local circumstances will permit.

And whereas Peter Smith had stipulated with the Oneida tribe of Indians, to pay them an annual rent of two hundred and fifty dollars for the lands leased to him, and of which the pre-emption has by the act aforesaid been given to him and such of his sub lessees as were settled thereon before the first day of January one thousand seven hundred and ninety five, and the said Peter Smith being willing to extinguish such rent by an equivalent sum in one present payment. Therefore

Annual
rent paid
by Peter
Smith ex-
tinguished.

Be it further enacted, That it shall and may be lawful to and for the surveyor general to debit the said Peter Smith with the sum of three thousand two hundred and sixty seven dollars being the present value of a rent of two hundred and fifty dollars to continue for eighteen years computed on a simple interest of six per cent per annum, and to add it to the sum which shall arise and become due to the people of this State from the said Peter Smith for the reversion of the lands to be granted to him in conformity with the stipulations and provisions in the said act contained, and to take a mortgage from the said Peter Smith on the lands, the reversion whereof is to be granted to him as aforesaid, and on the terms and conditions specified in the said act.

And whereas certain of the lessees under the said Peter Smith have represented to the legislature, that as lessees having stipulated the payment of rent to him the right of pre-emption granted to them by the said act is less favourable to them than to others not settled on the tract

leased to the said Peter Smith, and have prayed legislative provision in their favor. Therefore

Be it further enacted That it shall and may be lawful to and for the said agents, to remit to such of the said lessees, or their legal representatives, who had on or before the first day of January one thousand seven hundred and ninety five, obtained leases from or contracted for leases with the said Peter Smith, the said sum of three thousand two hundred and sixty seven dollars and to apportion the same between such lessees according to the number of acres mentioned in their respective leases or contracts and to certify the sum to be remitted to each to the surveyor general, to the intent, that he may be enabled to credit them respectively therefor, and to take mortgages for the ballances in manner and on the terms and conditions stipulated in the said act.

Remission
to lessees
of Peter
Smith.

And be it further enacted, That the surveyor general shall cause a line to be run from a point six rods distant on a south course from the north east corner of the late Oneida reservation, thro' a point six rods distant on a south course from the most southerly inclination of Wood creek, and extended to the Oneida lake, and the lands between such line and Wood creek shall forever hereafter remain and be for the use of a public highway for the people of this State.

Public
highway to
be laid out

And be it further enacted That it shall and may be lawful for the surveyor general, to exchange the three tracts on the north side of the Oneida lake formerly appropriated to the use of the Oneida tribe, containing together four hundred and eighty acres, with the proprietors of the land on the north side of Wood creek, and on the south side of the said creek from the north east corner of the late Oneida reservation to the landing at Fort Schuyler, for so much of their land along the said creek as will be included by one or more lines drawn at six rods therefrom, and upon such exchange to give and receive proper deeds therefor in the name of the people of this State, and the lands so to be obtained shall be and hereby are appropriated and declared to be for the use of a public highway for the people of this State.

Exchange
of lands for
highways.

And whereas Abraham Van Eps has been very instrumental in forwarding the negotiations between the agents aforesaid and the Oneida tribe of Indians, and has made them considerable pecuniary advances, of which there is little prospect that he will be reimbursed. *And whereas* Abraham Wimple whilst the said Indians were refugees at Schenectady during the late war afforded them important aid in articles of subsistence, and the said Indians having strenuously insisted with the said agents, that they should in good faith recommend to the legislature, certain compensation to the said persons by a grant of part of the land ceded by the said Indians to the people of this State. Therefore

Be it further enacted That it shall and may be lawful to and for the said agents, to set apart the following tracts of land, to wit, a tract of two square miles to be granted unto Abraham Van Eps, one other tract of one mile square to be granted unto Abraham Wimple, both of which tracts shall be part of the land purchased from the Oneida tribe of Indians in the year one thousand seven hundred and ninety five.

Abraham
Van Eps
and
Abraham
Wimple.

And be it further enacted That it shall be lawful for the said agents and they are hereby required to lay out a tract of one mile square adjoining the land called Stockbridge for John Sargeant minister of the gospel, who now resides among the Indians at Stockbridge aforesaid, and to certify the same to the commissioners of the land office, who shall thereupon cause letters patent to be issued for the said tract of one mile square so laid out, thereby granting the same to the said John Sargeant and to his heirs and assigns forever.

Rev. John
Sargeant.

And whereas the Cayuga tribe of Indians insisted, that a grant should be stipulated of one mile square in favor of Israel Chapin, and the agents not being authorized to consent to such stipulation, did promise faithfully to represent their request to the legislature. And that the legislative will in the premises might be declared. Therefore

Israel
Chapin.

Be it further enacted That the said agents shall set apart one other tract of one mile square part of the lands purchased from the Cayuga tribe of Indians in the said year one thousand seven hundred and ninety five, for Israel Chapin, and shall certify the same to the commissioners of the land office, who shall thereupon cause letters patent to be issued for the said tract of one mile square so laid out, thereby granting the same to the said Israel Chapin and to his heirs and assigns forever.

Jedediah
Phelps.

And be it further enacted, That it shall be lawful for the said agents to set apart one lot of land not exceeding two hundred and fifty acres, part of the tract lately purchased from the Oneida tribe of Indians on the south side of Wood creek and to certify to the surveyor general that the pre-emption of such lot is given to Jedediah Phelps on the terms and conditions specified in the act aforesaid with respect to other persons to whom the right of pre-emption is given by the said act.

And whereas it is doubtful whether the surveyor general is by the act aforesaid, authorised to liquidate the mean rate, which persons entitled to the right of pre-emption are to pay for the lands intended for them until all the other lots in the several tracts are sold. For remedy whereof.

Mean price
to be paid
by persons
entitled to
pre-emption.

Be it further enacted That when the surveyor general shall have sold the lots in the lands purchased from the Oneida tribe of Indians, which are to the southward of the Great Genesee road, he shall liquidate the mean price thereof, and such mean price so liquidated shall be paid by the persons whose right of pre-emption shall be certified unto him by the said agents as resident on the tract so purchased as aforesaid from the said tribe; and when he shall have sold the lots in the lands purchased from the Onondaga tribe of Indians which are marked on the map thereof from one hundred and sixty four to two hundred and twenty one, both inclusive, he shall liquidate the mean price thereof and such mean price so liquidated shall be paid by the persons whose right of pre-emption shall be certified unto him by the said agents as resident on the tract so purchased as aforesaid from the said tribe; and when he shall have sold the lots in the lands purchased from the Cayuga tribe of Indians which are to the southward of the said Great Genesee road, he shall liquidate the mean price thereof, and such mean price so liquidated shall be paid by the persons whose right of pre-emption shall be certified unto him by the said agents as resident on the tract so purchased as aforesaid from the said tribe.

Payments
out of
moneys
received
for improv-
ing roads.

And be it further enacted That the surveyor general shall, out of the first monies which shall come into his hands from the sale of any of the lands aforesaid, pay unto the treasurer of Herkmer county, or to his order, the sum of five hundred pounds; and to the treasurer of the county of Onondaga or to his order, the sum of five hundred pounds, to be laid out in manner following, to wit, the supervisors of the county of Herkmer shall appoint a discreet person as agent, under whose direction the said sum of five hundred pounds shall be laid out in amending the highway commonly called the Great Genesee Road and the bridges thereon from the eastern boundary of the tract commonly called the Oneida reservation to the western boundary thereof, and for no other purpose whatsoever; and the supervisors of the county of Onondaga shall appoint a discreet person as agent, under whose direc-

tion the one moiety of the five hundred pounds hereby directed to be paid to the treasurer of the said county, shall be laid out in repairing the said Genesee highway and the bridges thereon for where the said highway enters the tract commonly called the Onondaga reservation on the east, to where it leaves it on the west, and to no other purpose whatsoever ; and shall also appoint one other discreet person as agent, to lay out the remaining moiety of the said five hundred pounds on the said Genesee road and the bridges thereon from where it enters the tract commonly called the Cayuga reservation on the east, to where it leaves it on the west, and to no other purpose whatsoever. And it shall be the duty of each of the said agents so be appointed, to keep a regular and particular account of the monies expended by him and to exhibit such account under oath to the respective boards of supervisors by whom they may be appointed. And it shall be the duty of the said several boards of supervisors after having examined such accounts, to depute at least three members of their respective boards, personally to examine the repairs which have been made, and to report, whether in their opinion, the money with which the agent appointed by such board has been properly and fairly expended, or not, under their oath of office, copies of which accounts and reports shall be transmitted to the legislature without delay, certified by the clerk of the respective boards of supervisors.

And be it further enacted, That it shall and may be lawful for the treasurer of this State, to pay unto the said agents or to their order, the sum of two thousand five hundred pounds to be by them laid out in paying the fifty dollars to the Cayuga chief Fish Carrier ; the annuity which on survey of the tracts contingently purchased by them from the Oneida tribe of Indians, shall be found due and payable to them ; to pay for one hundred bushells of salt stipulated to be paid to the Onondaga Indians ; to defray the expences of the surveys still to be performed ; and such incidental expences as may from time to time arise in the execution of the trust reposed in the said agents by the act aforesaid and by this act, and to keep and render true accounts of all their disbursements to the auditors of this State.

Appropriation to agents for certain purposes.

And be it further enacted, That all and every duty by this act enjoined on the said agents may be executed by a majority of them or a majority of the survivors of them.

Majority may act.

And be it further enacted, That so much of the seventh section of the act entitled "An act for the support of government" passed the eleventh day of April, 1792, as directs the payment of six hundred and forty pounds annually to the Oneida Onondaga and Cayuga tribes of Indians shall be and is hereby repealed.

Part of act repealed.

CHAP. 40.

AN ACT to improve the navigation of Hudsons river in the places therein mentioned.

PASSED the 1st of April, 1796.

WHEREAS sundry inhabitants of the villages of Troy Lansingburgh and Waterford have by their petitions represented that an improvement in the navigation of the river Hudson above the city of Albany unto the place where the inland lock navigation is proposed to begin would be

Preamble.

of public utility and have prayed legislative aid in the premises. Therefore

Examina-
tion of
Hudson
river above
Albany;
appropria-
tion of
£3,000 to
improve
navigation

Be it enacted by the People of the State of New York represented in Senate and Assembly That the directors of the Northern Inland Lock Navigation Company in this State be and they are hereby authorized to employ an able engineer to examine the said river from the mouth of a creek north of the village of Troy commonly called the meadow Creek to the city of Albany and if such engineer shall report to the said directors that it is probable if one or more wing dams and other devices were erected in the said river the channel thereof would be so deepened as to render it adequate for the navigation of vessels drawing six feet of water when loaded, and in such parts of the navigating season when the water in the said river is in its lowest state and that the expense will not exceed four thousand pounds then and as soon as there shall be raised by voluntary contribution the sum of one thousand pounds and the same be paid unto Moses Vail Thomas L. Witbeck and Albert Pauling as commissioners to procure the necessary supplies for prosecuting the contemplated improvements they the said directors shall certify the same to the treasurer of this State who shall thereupon pay unto the said commissioners or to their order the sum of three thousand pounds out of any monies in the treasury unappropriated and it shall be lawful to and for the said commissioners to cause the requisite works for the improvement of the said river between the places above mentioned to be constructed under the direction of such engineer as aforesaid.

How mon-
eys ex-
pended.

And be it further enacted That the directors aforesaid shall cause such engineer as aforesaid to examine the said river from the said Meadow Creek to a creek or brook called Mill-Creek being the creek or brook on which the mills usually called Rensselaers mills stood and where the Northern Inland Lock Navigation Company are by law directed to begin their operations and if such engineer shall report to the said directors that the navigation of so much of the said river last described may be beneficially improved by means of wing dams and other devices and at an expense not exceeding two thousand pounds then and as soon as there shall be raised by voluntary contribution the sum of five hundred pounds and the same be paid unto Jacobus Van Schoonhoven Charles Seldon and George Tibbits as commissioners to procure the necessary supplies for prosecuting the improvements last mentioned they the said directors shall certify the same to the treasurer of this State who shall thereupon pay unto the said commissioners or to their order the sum of fifteen hundred pounds out of any monies in the treasury unappropriated and it shall be lawful for the said commissioners to cause the requisite works for the improvement of the said river between the places last above mentioned to be constructed under the direction of such engineer as aforesaid an account of the expenditures of all which monies the said commissioners first and last mentioned shall render to the auditor of this State as soon as may be after the several works shall have been completed.

Collection
of volun-
tary con-
tributions.

And be it further enacted That the said commissioners first above mentioned are hereby authorised to collect such sum and sums of money as they shall be able to obtain by voluntary contribution for the first of the purposes above mentioned and having collected the money to certify the same to the said directors and the said commissioners last mentioned are in like manner authorized to collect such sum and sums of money as they shall be able to obtain for the second of the purposes above mentioned and in like manner to certify the same to the said directors under their respective hands and seals. Provided always

And be it further enacted That in case it should appear from the report of the engineer that the expense of the improvements between the places respectively above mentioned will exceed the several sums above stated then if such excess shall be raised by voluntary contribution in manner aforesaid and be so certified unto the said directors or if an equivalent to such excess in labor or materials shall to the satisfaction of the said directors be secured to be performed and delivered for the requisite works they shall certify the same to the treasurer in manner aforesaid and the commissioners having so certified shall thereupon be entitled to receive the money herein before mentioned to be paid to them out of the treasury any thing in this act to the contrary notwithstanding.

Where
estimated
cost
exceeds
\$4,000.

CHAP. 41.

AN ACT more effectually to regulate the port of New York.

PASSED the 1st of April, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the person administering the government of this State, be, and he is hereby required and directed by and with the advice and consent of the council of appointment to appoint some proper person to be harbour master of the port of New-York and the said harbour master before he enters upon the duties of his office shall execute a bond to the people of this State with two sufficient sureties to be approved of by the mayor of the city of New York in the penal sum of one thousand pounds conditioned for the faithful and impartial fulfillment of the duties required of him by this act and shall also take an oath truly and faithfully to execute the same.

Harbor
master of
the port of
New York,
appoint-
ment of.

And be it further enacted That the said harbour master shall have authority to regulate and station all ships and vessels in the stream of the East and North rivers within the limits of the city of New York and at the wharves thereof and to remove from time to time such ships or vessels as are not employed in receiving or discharging their cargoes to make room for such others as require to be more immediately accommodated for the purpose of receiving or discharging theirs, of which the said harbour master is hereby constituted the sole judge. *And further* the said harbour master shall have authority to determine how far and in what instances it is the duty of the masters and others having charge of ships and vessels to accommodate each other in their respective situations and if any master or other person having charge of any ship or vessel shall refuse or neglect to obey the directions of the said harbour master in matters within his authority to direct or if any person shall resist or oppose said harbour master in the duties of his office such master or other person having charge of any ship or vessel or other person whatsoever shall for each and every such offence forfeit and pay the sum of fifty dollars to be recovered with costs of suit in the name of the harbour master for the time being before any court having cognizance thereof all which fines shall when collected be paid to the treasurer of the Society of the Hospital in the city of New York for the time being to and for the use of the said corporation.

Duty of
harbor
master in
respect to
vessels.

And be it further enacted That it shall be the duty of the said harbour master to superintend and enforce the execution of all laws of this State and all bye laws and rules and regulations of the corporation of the

Duty with
reference
to docks.

city of New York for cleansing the docks and wharves, and for preventing and removing all nuisances whatsoever in or upon them or eitheir of them.

Pilots to register with harbor master

And be it further enacted That it shall be the duty of all persons acting as pilots in the port of New York to register their and each of their names and places of abode in the office of the harbour master and the name size and dimensions of each and every pilot boat used by them or either of them.

Duty of pilots to report vessels seen off Sandy Hook.

And be it further enacted That it shall be the duty of every master or person having charge of any pilot boat to report to the harbour master the time of his going out and returning into the harbour with the said boat and each pilot shall report all ships and vessels inward or outward bound seen by him at sea or at anchor within or without Sandy Hook to the end that due notice thereof may be given to the commander in chief and to the officer of customs when necessary.

Pilots subject to orders of harbor masters.

And be it further enacted That the said harbour master shall have power to order any pilot having charge of a pilot boat to go out upon duty with the said boat whenever in his judgment the safety of the navigation of the said port renders the going out of such boat necessary. And every pilot refusing or neglecting to perform any of the duties imposed upon him by this act shall on due proof thereof made to the wardens of the said port be subject to a fine not exceeding the sum of five dollars to be recovered with costs of suit before the mayor or recorder or any two of the aldermen of the said city of New York in the name of the said harbour master or to be rendered incapable of acting as a pilot thereafter as in the judgment of the said wardens may be deemed proper.

Deputies of harbor master; fees.

And be it further enacted That the said harbour master shall have power to appoint a deputy or deputies to assist him in the execution of the duties of his office and the same to remove or displace and to appoint others in his or their stead, and further, that the said harbour master shall have power to demand and receive from the commander owner or owners consignee or consignees or either of them of each and every ship or vessel that may enter the port of New York and load unload or make fast to any wharf therein at and after the rate of one cent per ton to be computed from the tonnage expressed* in the registers of such ships and vessels respectively and no more.

Proviso as to coasting vessels.

Provided nevertheless That nothing whatsoever shall be demanded by the said harbour master for the entrance into the port of New York of any vessel employed in the coasting* trade within the United States unless upon the application of the master or person having charge of any vessel employed in the coasting trade as aforesaid the said harbour master shall interfere and adjust any difference which may happen respecting the situation or position of any such coasting vessel or vessels which differences said harbour master is hereby authorized to hear and determine in which case the said harbour master may demand and recover in manner aforesaid from the party in default in the premises the sum of one dollar for every difference so by him adjusted and no more.

When act to take effect.

And be it further enacted That this act shall be in force and effect from and after the first day of May next.

* So in original.

CHAP. 42.

AN ACT for increasing the compensation to the measurers of grain and the inspectors of flour and meal in this State.

PASSED the 1st of April, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That from and after the passing of this act, it shall be lawful for the several measurers of grain appointed or to be appointed within this State to ask, demand and receive for measuring flaxseed, salt, wheat, rye, corn, buck-wheat or any other articles commonly sold by the bushell, instead of the present allowance, at and after the rate of seventy five cents per hundred bushells and no more, any law to the contrary thereof notwithstanding.

Fees for
measuring
grain.

And be it further enacted, That it shall and may be lawful, to and for the several inspectors of flour and meal, instead of the present allowance to ask demand and receive the sum of two cents for inspecting every barrel of flour or meal.

Fees of
inspectors
of flour
and meal.

And be it further enacted That this act shall continue in force until the first day of April which will be in the year of our Lord one thousand seven hundred and ninety seven, and no longer.

How long
act to be
in force.

CHAP. 43.

AN ACT to incorporate such persons as may officiate for the purpose of procuring and erecting public libraries in this State.

PASSED the 1st of April, 1796.

WHEREAS a disposition for improvement in useful knowledge has manifested itself in various parts of this State by associating for and procuring and erecting social and public libraries. *And whereas* it is of the utmost importance to the public that the sources of information should be multiplied and institutions for that purpose encouraged and promoted.

Preamble.

Be it therefore enacted by the People of the State of New York represented in Senate and Assembly That from and after the passing of this act it shall and may be lawful for any number of persons not less than twenty in any county town village or neighbourhood; and who shall subscribe in the whole not less than forty pounds who shall by writing under their hands signify their consent and desire to associate themselves together for the purpose of procuring and erecting a public library to assemble on the second Tuesday of the month in which they shall determine to meet at a place previously agreed on by a majority of the subscribers to elect nominate and appoint not less than five nor more than twelve of their number as trustees to take charge of the monies belonging to the corporation thereby erected and to transact all affairs relative to the same.

And be it further enacted That the said election to be held as aforesaid shall be conducted in the following manner to wit that whenever two thirds of the subscribers shall assemble at the time and place previously agreed on and appointed they shall proceed to elect a chairman

by ballot from among themselves who shall preside at such election receive the votes of the subscribers and be the officer to return the names of those who by plurality of voices shall be elected to serve as trustees for the said corporation. That the said returning officer shall immediately after said election certify under his hand and seal the names of the persons elected to serve as trustees for said library in which certificate the stile name or title of the said corporation [which shall forever thereafter be the stile name or title by which the said corporation shall be distinguished and known] shall be particularly mentioned and described which said certificate being first duly proved or acknowledged before the chancellor of this State or one of the judges of the supreme court or any one of the judges of the court of common pleas of the county for the time being in the same manner in which deeds or other writings have usually been proved or acknowledged shall be forthwith recorded by the clerk of the county for the time being in a book to be by him kept for that purpose for which he shall receive a fee of eight shillings and no more.

And be it further enacted That the persons so elected returned and registered shall be and hereby are declared to be trustees for said library and that the said trustees from the time of their election as aforesaid and their associates and such other persons as shall from time to time become members of the corporation hereby authorized to be erected shall be and hereby are ordained constituted appointed and declared to be one body corporate and politic in fact and in name by the name stile or title mentioned and described in the said certificate so to be recorded as aforesaid and by that name shall have succession and they and there successors shall and may forever hereafter by the same name be able and capable in law to sue and be sued implead and be impleaded answer and be answered unto defend and be defended in all courts of common law or equity whatsoever in all manner of actions suits causes controversies matters and things whatsoever and that they and their successors shall have a common seal and may break alter and change the same at their discretion and also that the said trustees and their successors by the same name and title described in said certificate from the time of their election aforesaid shall be capable in law of purchasing holding and conveying any estate real or personal for the use of the said corporation. *Provided* such real and personal estate so held shall not at any one time exceed the annual value of five hundred dollars exclusive of the books and of the annual payments which shall be directed to be made by the members of the said corporation.

And for the better execution of the aforementioned purposes

Trustees
and other
officers.

Be it further enacted That forever hereafter there shall not be less than five nor more than twelve trustees for every library so incorporated as aforesaid who shall hold their offices for one year and until others be elected in their places and shall manage the business of the said corporation and that there shall forever hereafter be one chairman of the said trustees one treasurer and one librarian to be appointed in the manner hereinafter mentioned and that it shall be lawful for the said trustees in their discretion whenever they conceive it necessary to appoint one and the same person treasurer and librarian. And in order to keep up a perpetual succession of trustees

Election
of trustees.

Be it further enacted That the offices of the said first trustees shall determine in the following year on the second Tuesday in the same month in which they were chosen and that on the first Tuesday in the same month in which the first election was held in every year forever thereafter there shall be a general meeting of the members of the corporation

at some convenient place to be from time to time ascertained and fixed by the bye laws of the said corporation and that then and there by plurality of votes of such members as shall so meet not less than five nor more than twelve trustees shall be elected by ballot to serve the ensuing year. That any person holding more than one right in said library shall be entitled to one vote for each right he or she shall hold in the same. That the trustees of the said library shall annually at their first meeting on or after the day in which their offices commence appoint one of the said trustees their chairman; that in case of the death removal refusal or neglect to serve of the chairman for the time being it shall be lawful for the trustees of the said library at any of their meetings to appoint another chairman instead of the one dying removing refusing or neglecting to serve as aforesaid to remain in office till the expiration of the time during which his predecessor was entitled to serve and when and as often as any vacancy shall happen by the death removal resignation or neglect to serve of any of the said trustees it shall be lawful for the chairman of the said trustees or on his neglect or refusal for any other two of the said trustees to summon a meeting of the members of the said corporation at a place fixed by the bye laws of said corporation for the purpose of electing another or other person or persons instead of such as shall have so died removed refused or neglected to serve as aforesaid and that such person or persons so to be chosen trustee or trustees at such meeting as last aforesaid shall respectively remain in office during such time as the person in whose stead such trustee shall be chosen would have done in case such death removal or refusal had not happened and no longer and that the trustees of said library shall at every such annual meeting of the members of the said corporation exhibit to the members a state of the said library the minutes of the proceedings of the trustees during the year immediately preceding such meeting with the treasurer's and librarian's accounts stating the amount of receipts and expenditures during such year.

And be it further enacted That the said trustees shall have stated meetings once in every quarter in every year at such time and place as shall from time to time be appointed for that purpose that the chairman, or any two trustees of the said library for the time being shall and may from time to time, as occasion may require summon and call together at such places as shall from time to time be appointed by the bye laws of the said corporation the trustees of the said library giving them at least two days previous notice of such meeting—That the chairman or a majority or more of the said trustees shall form a board of trustees and that in the absence of the chairman the trustees so met shall choose another to serve on that occasion that the chairman shall have a casting vote, and no other that the chairman and a majority of the trustees so met shall have full power and authority to adjourn from day to day or for such other time as the business of the said corporation may require and from time to time to appoint and at their pleasure to displace a treasurer and librarian of the said library and to appoint other or others in their stead and place to ascertain the compensation to be allowed the treasurer or librarian or either of them for their service in their station respectively and to regulate and appoint to them the said treasurer and librarian or either of them their respective powers trusts and duties to direct the application of monies belonging to the said corporation to the purchase of such books and apparatus as they shall think proper to the providing of a room or house for the safe keeping of the books of the said library and to transact do manage and perform in the name of the said corporation all and every act and acts thing and things whatsoever which shall be

Meetings
of trustees,
powers
and duties

necessary to be done and which the trustees of said library are by this law authorized to do and to make frame constitute establish and ordain from time to time and at all times hereafter such laws constitutions ordinances and regulations for the government of the officers members and servants of said corporation for regulating the terms upon which the books of the said library shall be lent out both to the members of the said corporation and others for fixing and ascertaining the times and places of the quarterly meetings of the said trustees for altering fixing and ascertaining the places of meeting of the members of the said corporation for the election of trustees for regulating the management and disposition of the books of the said library and the monies funds and effects belonging to the said corporation the mode of transferring rights in the said library from one person to another and all other the business and affairs whatever of the said corporation as they or the major part of them so legally met shall judge best for the general good of said corporation and for the more effectual promoting increasing and preserving the said library and the same or any of them to alter amend or repeal from time to time as they or a major part of them so met shall think proper. *Provided* such laws constitutions regulations or ordinances be not repugnant to the laws of this State.

Transfer of
rights in
library.

And be it further enacted That it shall and may be lawful for each and every of the members for the time being of the said corporation his or her executors administrators and assigns to give sell alien assign devise and dispose of their respective rights in the said library and that their respective assigns shall be members of the said corporation and shall be entitled to all and every the same rights and privileges in said library and said corporation as the original members are entitled to by this act. *Provided* that a part of a right in said library shall not entitle the proprietor or owner thereof to any privilege whatsoever in said library or corporation.

By-laws,
etc.

And be it further enacted That it shall and may be lawful at such meeting of a majority or more of the said trustees of the library for the time being to make any bye laws constitutions or ordinances of the said corporation to admit under the common seal of the said corporation such and so many persons members of the said corporation as they shall think beneficial to the said library which members so admitted shall be entitled to have hold and enjoy all and every the same rights and privileges as the original members are entitled to by this act.

Annual
dues.

And be it further enacted That each and every member of the said corporation for the time being shall on or before the first Tuesday in the month fixed for the election of trustees annually pay to the treasurer of said library for the use of the said corporation the sum or sums which shall be fixed by the bye laws of said corporation and that whenever any of the members of the said corporation shall neglect to pay the said annual sum or any other sum which of right shall become due to the corporation for the space of forty days next after the day on which the same ought to have been paid that then the person or persons from whom the same shall be due shall be precluded from exercising any of the privileges to which he became entitled by virtue of his being or becoming a member of the said corporation until such sums shall be fully satisfied and if such sums shall not be paid within two years after any such sums shall become due as aforesaid that then and after the expiration of two years from the time such payment shall become due that the person or persons from whom the same shall become due shall thereupon forfeit and be utterly excluded from all his her or their rights and privileges in the said library and corporation.

And be it further enacted That in case it should happen that an election of trustees should not be made on any day when pursuant to this act it ought to have been made the said corporation shall not for that cause be deemed to be dissolved but that it shall and may be lawful on any other day to hold and make an election of trustees in such manner as shall have been regulated by the laws and ordinances of the said corporation.

Failure to elect not to forfeit charter.

Provided always That nothing in this act shall be so construed as to authorize any person or persons whatsoever under color or by virtue of any incorporation authorized by this act to do or transact any business matter or thing save what appertains to a library according to the true intent and meaning of this act.

Proviso that act not to allow transaction of other business.

CHAP. 44.

AN ACT for the relief of Goldsbrow Banyar.

PASSED the 1st of April, 1796.

WHEREAS the commissioners of forfeitures for the middle district sold an estate as forfeited by the attainder of John Tabor Kemp which was held by the said John Tabor Kemp and Goldsbrow Banyar as tenants in common and paid the whole of the proceeds of such sale into the treasury of this State.

Preamble.

And whereas the said Goldsbrow Banyar by his petition to the legislature has prayed relief in the premises, and has further stated that he is willing to accept of three hundred and fifty pounds with interest from the time the said monies were paid into the treasury of this State in lieu of all claims against the said estate sold as aforesaid. Therefore

Be it enacted, by the People of the State of New York represented in Senate and Assembly, That the treasurer of this State be and he is hereby authorized and required to pay to Goldsbrow Banyar on the first day of May next ensuing the passing of this act the sum of three hundred and fifty pounds, with interest at six per cent per annum to be computed from the time the monies aforesaid were paid into the treasury of this State out of any monies in the treasury not otherwise appropriated. *Provided* the said Goldsbrow Banyar shall execute a release to the people of this State of all his right title interest and estate to or in the lands sold as aforesaid and deposit the same in the office of the treasurer of this State.

Appropriation to Goldsbrow Banyar.

CHAP. 45.

AN ACT for the relief of Dow I. Fonda and John Ostrander junior.

PASSED the 1st of April, 1796.

WHEREAS Dow I Fonda sheriff of the County of Saratoga and John Ostrander junior sheriff of the county of Albany have by their petition represented to the legislature that Elisha Benedict stands committed in the gaol of the city and county of Albany by virtue of several writs of capias ad satisfaciendum severally directed to the respective sheriffs

Preamble.

aforesaid and that the sheriff of Saratoga is by a law passed on the ninth day of April one thousand seven hundred and ninety-five directed and required to remove all the prisoners in his custody to the gaol of the county of Saratoga and that a compliance with said law or a neglect of the same may expose one of the said sheriffs to an action for the escape of the said Elisha Benedict and have prayed the interposition of the legislature in this behalf. Therefore

Elisha
Benedict to
be confined
in Saratoga
county jail

Be it enacted, by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the sheriff of the county of Albany to keep the said Elisha Benedict in the gaol of the county of Saratoga by virtue of all writs by which he stands charged as prisoner in the proper gaol of the county of Albany and that a removal of the said Elisha Benedict to the gaol in the county of Saratoga shall not be deemed or holden for an escape from the sheriff of Albany and the sheriff of Saratoga is hereby required to keep in safe custody the said Elisha Benedict until he shall be discharged by due course of law on the several processes by which he stands committed directed to the sheriff of Albany.

CHAP. 46.

AN ACT for allowing compensation to struck jurors, and to amend the act entitled "An act concerning jurors for the trial of issues in the city of New York.

PASSED the 1st of April, 1796.

Fees of
struck
jurors.

Be it enacted by the People of the State of New York represented in Senate and Assembly and it is hereby enacted by the authority of the same, That every juror who shall hereafter be struck for the trial of any cause and shall attend the court for that purpose, shall be allowed six shillings a day for every day he shall be from home in going to attending at and returning from court, to be paid by the party at whose request such jury shall be struck or his attorney, and it shall be lawful for every such juror to bring and maintain his suit for the recovery thereof, either against such party or his attorney in the cause.

Impannel-
ing of
jurors in
New York
city.

And be it further enacted by the authority aforesaid, That the clerk of the supreme court shall within one week after the end of each term, when the said court shall be held in the city of New York, make and deliver to the town clerk of the city of New York a list of all the jurors who shall have appeared in the said court in the preceding term and also a list of all such as made default, and of such as were excused, and of such as were discharged by reason of their being privileged or not qualified; and the town clerk of the city of New York shall make like lists of the jurors who appear, or make default, or are excused or discharged in any court of which he is the clerk; and the said town clerk when he makes a panel of any jury in pursuance of the act entitled "An act concerning jurors for the trial of issues in the city of New York" instead of immediately putting the ballots or slips of paper or parchment drawn for that purpose into another box as directed by the said act, he shall put them together, and carefully keep them locked up in some safe place, until after the end of the term or session of the court at which such jurors are to appear, and shall then, as soon as he can ascertain which of the jurors appeared and which of them made default, or were excused or discharged, put such of the said ballots or slips of

paper or parchment as shall contain the names of the jurors who appeared at such court, and were not excused from serving or discharged into such other box, and shall destroy all such of the said ballots as contains the names of the jurors, if any, discharged by reason of being privileged from serving or not qualified to serve as jurors, and shall then return the residue of the said ballots into the same box out of which they were drawn.

CHAP. 47.

AN ACT supplementary to the act intituled An act authorising the surveyor general to ascertain the eastern boundary line of the lands ceded by this State to the commonwealth of Massachusetts and for other purposes therein mentioned.

PASSED the 6th of April, 1796.

WHEREAS the surveyor general of this State hath certified unto the commissioners of the land office that he judges the line run by Benjamin Ellicot as for the eastern boundary line of the lands ceded by this State to the commonwealth of Massachusetts hath been duly run and hath obtained from the said Benjamin Ellicot a description and map of the said line with a certificate attested by his oath that the said line run by him is to the best of his knowledge and belief truly performed. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That the surveyor general shall and he is hereby enjoined immediately after the passing of this act to indorse a certificate on the map aforesaid and on the discription thereof purporting that the said map and discription indicate the direction and course of a line as for the eastern boundary line of the lands ceded by this State to the commonwealth of Massachusetts and shall sign seal and duly acknowledge the same and then deliver the said map and discription so certified to the secretary of this State to be by him deposited in the archives of this State there to remain as a public record and from and after such deposit the line indicated on such map and in such description shall forever thereafter be taken and deemed and be the eastern boundary line of the lands aforesaid any thing in the act to which this act is supplementary notwithstanding.

And be it further enacted That from and after such deposit it shall and may be lawful to and for the commissioners of the land office to do and execute all and singular the duties enjoined on them by the act to which this act is supplementary. Provided always

And be it further enacted That it shall and may be lawful to and for the commissioners of the land office to give in retribution of any lands granted under the great seal of this State on the west of the line by this act established as a boundary line of the said lands such of the lands in the tract commonly called the military tract as have not been laid or directed to be laid out into towns or such other of the unappropriated lands belonging to the people of this State as they in their discretion shall deem just and equitable other than lands purchased in the last year from the Oneida Onondaga and Cayuga Indians and other than the lands lying to the westward of the tract so ceded as aforesaid to the commonwealth of Massachusetts and also other than land heretofore reserved by law for public uses or for the use of this State.

CHAP. 48.

AN ACT granting compensation to Stephen Ward for expenses incurred in defence of certain suits against him, for lands purchased of the commissioners of forfeitures for the middle district.

PASSED the 6th of April, 1796.

Appropriation to Stephen Ward.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer of this State shall and he is hereby authorized and required out of any monies in the treasury of this State unappropriated to pay to Stephen Ward in full compensation of all services claims and demands whatsoever the sum of five hundred and one pounds and the said treasurer is hereby required to take and receive of and from the said Stephen Ward a full and perfect release and discharge of and from all claims and demands whatsoever on the people of this State.

CHAP. 49.

AN ACT to amend the act entitled An act for the encouragement of schools.

PASSED the 6th of April, 1796.

Preamble.

WHEREAS it is provided by the twelfth section of the act entitled An act for the encouragement of schools that the inhabitants of two adjoining towns may associate for the purpose of erecting schools in conformity to the said act and that commissioners of the town in which the school is kept shall make the like distribution to such school as to schools wholly composed of children belonging to the town in which the school is kept which in many instances is likely to operate unequally between the inhabitants of said towns. For remedy whereof

Adjoining towns, relative to schools.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the commissioners of the adjoining towns in which such association shall take place shall respectively furnish monies to such school in the same manner as is directed with regard to other schools in proportion to the number of scholars from each town respectively and the trustees of the school in the town where such school is so kept shall direct a separate account of the days of instruction that shall be so given to scholars that belong to such adjoining town and deliver the same to the commissioners of schools of such adjoining town and the said commissioners shall pay the proportion of said money to said trustees accordingly.

Academies, what entitled to school moneys.

And be it further enacted That the children of the inhabitants of any town where there is an academy incorporated or to be incorporated, and shall be taught in such academy only reading writing and common arithmetic shall be considered as scholars of common schools are considered by the act entitled "An act for the encouragement of schools" and shall have the like benefit as other scholars belonging to the common schools in the same town as to the gratuity of this State and the tax to be raised in the same town.

CHAP. 50.

AN ACT relative to certain confiscated lands in the counties of Saratoga and Montgomery.

PASSED the 6th of April, 1796.

WHEREAS it hath been represented to the legislature that certain undivided parts of several lots of land in the patent of Kayaderosseras in the county of Saratoga became the property of the people of this State by the attainder of Isaac Low and that the said lots of land are now in the possession of several person who are entitled to certain other undivided shares in the same lots which persons have prayed that the right of the people of this State in and to the said lots of land may be granted to them on their paying for the same. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That the surveyor general shall as soon as may be after the passing of this act ascertain what settlers or occupants are in the actual possession of the said lots of land in the said patent of Kayaderosseras certain undivided parts whereof have been the property of the people of this State by the attainder of the said Isaac Low and having ascertained the same shall sell and quit claim on the part of the people of this State all the estate right title and interest of the people or this State of and in the lands so the property of the people of this State as aforesaid to such settlers or occupants who are in the actual possession thereof respectively to them their heirs and assigns forever. Provided

Preamble.
Grant of lands to occupants in Kayaderosseras patent.

That immediately after the executing such quit claims the grantees therein respectively named shall execute a mortgage on said lots of the part of the lot so quit claimed for securing to be paid to the people of this State the sum of three dollars per acre for the same which sums shall be made payable on the first day of January one thousand eight hundred and five with interest at six per cent per annum to be yearly paid into the treasury of this State which mortgage shall be in the form of that prescribed in this act entitled an act for the relief of Nathaniel Mallory and others and which mortgages shall be good and effectual in the law and that the grantees shall pay all expences which shall accrue in the premises.

Proviso as to mortgages.

And be it further enacted That the surveyor general shall cause the mortgages so to be by him taken to be acknowledged and registered according to law and then deliver the same to the treasurer of this State.

Registry of mortgages.

Provided That nothing in this act contained shall be deemed or taken to be a warranty on the part of this State of any of the land herein directed to be sold but the same shall be sold and disposed of by the surveyor general subject to all claims of dower and every other claim that may be on the same and a clause to that effect shall be inserted in the deeds to be given by the surveyor general to the purchasers thereof.

Proviso as to warranty.

Provided always That at the time of taking the said mortgages respectively herein before directed to be given the grantees respectively shall give bonds to the people of this State in penalties of double the amount of the purchase money conditioned faithfully to pay such sums of money at the periods when the same are respectively to be made payable with the interest thereof annually at the treasury of this State.

Proviso as to bonds.

And whereas by an act entitled an act relative to certain confiscated lands in the county of Saratoga passed the 8th April 1795 the surveyor general is directed to sell and quit claim the one undivided third part of lot number seven in the eight allotment and the one undivided third part of lot number eight in the seventh allotment in the said patent of Kayaderosseras to the actual settlers and occupants thereon respectively.

And whereas difficulties have occurred in ascertaining the persons to whom such sale and quit claims are by said act intended to be made and the like difficulties may occur in the execution of this act for remedy whereof

Notice to
settlers to
be pub-
lished.

Be it further enacted That the surveyor general shall as soon as may be give notice to the settlers and occupants of said lots respectively for six weeks successively in the news papers printed in Albany and Lansingburgh of the time when he will make the enquiry and receive the evidences necessary to ascertain who are the actual settlers and occupants of the said lots respectively and having thereupon ascertained the same he shall forthwith proceed to make sales to such occupants and otherwise to act in the premises as is directed in and by the act last aforesaid and this act.

Release of
lands to
Johnstown
Academy.

And be it further enacted That all the estate right title, interest claim and demand of the people of the State of New York in and to lot number thirty six in the village of Johnston in the county of Montgomery consisting of half an acre heretofore by law appropriated to and set apart for the use of a school be and the same is hereby vested in the trustees of Johnstown academy and their successors in trust for the only benefit and advantage of the said academy.

Power of
trustees of
academy.

And be it further enacted That the said trustees nevertheless shall and they hereby have full power to sell and convey the lot hereby granted. *Provided* the money arising from the sale thereof be applied to the purchase of another lot and the erection of a building for the use of the said academy within such part of the village of Johnstown as the trustees of the said academy shall deem most expedient and advantageous.

CHAP. 51.

AN ACT to enable the inhabitants of the old town of Flat Bush to establish and regulate a night watch and for other purposes therein mentioned.

PASSED the 6th of April, 1796.

Directors
to estab-
lish night
watch in
Flatbush.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the freeholders and inhabitants of that part of the town of Flat Bush in King's county, commonly called the old town of Flat Bush at the next annual town meeting or at a special town meeting to be called for that purpose to be held in Flat Bush aforesaid and in every year thereafter, at such annual town meeting to choose by a majority of votes three freeholders residing in the said old town of Flat Bush to direct order establish and regulate a night watch in the said old town of Flat Bush who shall be called and known by the name and stile of the directors of the night watch.

Duty of
directors.

And be it further enacted That it shall be lawful for the said directors being so elected as aforesaid to meet together and being met to order, establish and regulate a night watch in the said old town of Flat Bush which watch shall consist of not more than six or less than three men

and an officer for each night the said directors shall order such night-watch to be kept out of the inhabitants of the said old town of Flat Bush who shall and hereby are required and directed in their turns to keep watch and guard in such manner and at such times and places as the said directors shall order and direct.

And be it further enacted That it shall and may be lawful for the said directors or any two of them to make, establish and ordain such rules orders and regulations for the government conduct duty and behaviour of the said watch and watchmen and to impose such reasonable fines penalties and forfeitures upon them or any of them for default or neglect of the duties and services enjoined or required by such orders and regulations as the said directors shall from time to time deem meet or convenient. *Provided always* that no greater fine penalty or forfeiture shall be levied for any one offence than eight shillings for an officer and six shillings on every watchman.

Rules and ordinances

And be it further enacted That if any person shall after the passing of this act in the said old town of Flat Bush pull down destroy or injure any fence made with pales or boards or be aiding in the same or shall wilfully break or deface any glass window porch knocker or other fixture in the said old town and shall thereof be convicted before any justice of the peace in the said town or county he or she for every such offence shall forfeit the sum of five pounds to be recovered with costs and levied by distress and sale of the goods and chattles of every such offender one moiety of which forfeiture shall be paid into the hands of the said directors for repairing the injury done or committed by such offender and for defraying the expenses of the night watch and the other moiety of such forfeiture to be paid to the person or persons who shall prosecute for the same to effect.

Malevolent mischief, penalty for

And be it further enacted That upon refusal of payment of such respective forfeiture or forfeitures and want of sufficient goods and chattles whereon the same can be levied it shall be lawful for such justice of the peace before whom such conviction or convictions shall take place by warrant under his hand and seal to commit every such offender to the gaol of the said county there to remain without bail or mainprize for the space of one month and if any such offence shall be committed by any apprentice servant or slave such forfeiture shall be paid by his or her master mistress or owner or in default thereof such apprentice servant or slave shall be committed to the said gaol in manner aforesaid

Enforcement of penalties.

CHAP. 52.

AN ACT relative to the common and undivided lands and meadows in Southhold in the county of Suffolk.

PASSED the 8th of April, 1796.

WHEREAS the proprietors of the common and undivided land and meadows in Southhold by their petition to the legislature have requested legislative aid to enable them more advantageously to improve their said lands and meadows. Therefore

Preamble.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the said proprietors to meet on the second Tuesday in April next at the house of Moses Case in Southhold aforesaid and annually thereafter on the second

Regulation of common lands in Southhold.

Tuesday in April at such place as a majority of them shall direct and at every such meeting the said proprietors or a majority of them who shall be present may make such prudential rules and regulations for the better improving and managing their said common and undivided lands and meadows as they shall judge proper which rules and regulations shall be entered in a book to be provided for that purpose by a clerk to be chosen at every such meeting.

Trustees to be elected. *And be it further enacted* That the said proprietors at every such meeting, may elect three trustees to have the superintendance and management of their said lands and meadows according to such rules and regulations as aforesaid to be made at such meetings.

Recovery of penalties. *And be it further enacted* That the said trustees or a majority of them or of the survivors of them may sue for and recover for the use of the said proprietors all such penalties as shall be made for the breach of the said rules and regulations so to be made as aforesaid. *Provided always* that no penalty for any one offence shall exceed the sum of three pounds.

Special meetings of proprietors. *And be it further enacted* That the said trustees may call a special meeting of the said proprietors whenever they shall judge the same to be necessary by advertizing the same at three different meeting houses in Southhold aforesaid six days previous to the meeting and the proceedings of such meeting shall be as good and valid as if they were done at the annual stated meetings as aforesaid.

How votes of proprietors counted. *And be it further enacted* That the votes of the said proprietors at any such meeting as aforesaid shall be counted according to the number of rights owned by each proprietor who shall vote at such meeting.

CHAP. 53.

AN ACT for the relief of John Dolson.

PASSED the 8th of April, 1796

Preamble. WHEREAS John Dolson hath by his petition represented to the legislature that the commissioners appointed by the joint resolution of the legislature of this State on the twelfth day of March in the year one thousand seven hundred and eighty eight did make an allotment of four hundred and thirty acres of land for the said John Dolson situate in the then town of Chemung and distinguished by lot number one hundred and sixteen as appears by the map and field book filed by the said commissioners in the office of the surveyor general of this State and that by reason of sickness and other misfortunes he was not able to pay the purchase money into the treasury by the time prescribed by law and hath prayed for relief in the premises. Therefore

Land grant to John Dolson. *Be it enacted by the People of the State of New York represented in Senate and Assembly* That it shall and may be lawful to and for the commissioners of the land office of this State and they are hereby directed and required to issue letters patent under the great seal of this State in the usual form unto the said John Dolson or his heirs for the said lot number one hundred and sixteen agreeably to the description and boundaries of the said lot mentioned and contained in the map and field book aforesaid.

Proviso as to payment of purchase money. *Provided always* That the said John Dolson or his heirs shall previously to issuing such letters patent and within the space of eight

calender months after the passing of this act have paid into the treasury of this State the whole of the purchase money for the said lot so to be granted agreeably to the certificate of the commissioners by whom the allotment was made together with the interest at six per cent per annum, accrued subsequent to the first day of March one thousand seven hundred and ninety one.

Provided nevertheless that the grant hereby made to the said John Dolson shall not in any wise affect any bona fide title which any person or persons may have by former grants from this State to the lands aforesaid.

chase-money.

Proviso as to prior grants.

CHAP. 54.

AN ACT for the encouragement of the Albany glass factory.

PASSED the 8th of April, 1796.

Be it enacted by the People of the State of New York, represented in Senate and Assembly That the lands buildings improvements premises and appurtenances called and known by the name of the Albany glass factory and every thing appertaining in and to the carrying on the said factory together with the buildings of the workmen about the same shall be and hereby are exempted from taxation for and during the term of five years from and after the passing of this act.

Albany glass factory exempted from taxation.

And be it further enacted That the agents superintendants artificers and workmen of every kind employed in about the said factory shall be and they are hereby exempted from working on the highways and from serving as jurors in all cases whatever and from serving in the militia except in cases of insurrection and invasion during the time that they or either of them shall or may be employed in and for the said factory.

Exemption of workmen.

CHAP. 55.

AN ACT for the more effectual prevention of fires and to regulate buildings in the city of New York and to repeal and explain certain acts therein mentioned.

PASSED the 8th of April, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That every dwelling house or other building whatsoever which shall be erected or built within the said city to the south and west of a line beginning at the outlet of the meadow of Anthony Lispenard into Hudsons river and thence running to and along the north side of the dwelling house of Nicholas Bayard thence to and along the north side of the dwelling house of John R. Livingston and thence to and along the north side of the dwelling house of Abraham Cannan to the east river and which from the surface or level of the street to which such house shall adjoin either in front or in rear to the foot of the latter shall be more than twenty five feet shall be made and constructed of stone or brick with party or fire walls rising twelve inches above the roof and shall be covered except the flat roof thereof with tile or slate or other safe materials against fire and not with boards or shingles and that the flat of any roof may be covered with boards or shingles.

Regulation of buildings in certain limits in New York city.

Provided such flat do not exceed two equal fifth parts of the space of such roof and there be erected around the same a flat substantial balcony or balustrade.

Roofs of
new build-
ings.

And be it further enacted That if any dwelling house or other building whatsoever shall be erected or roofed contrary to this act the proprietor or proprietors thereof shall for every such offence forfeit and pay the sum of fifty pounds and the workmen who shall build or roof such dwelling house or other building contrary to this act shall for every such offence forfeit and pay the sum of twenty five pounds to be recovered with costs of suit in any court of record within this State by any person or persons who will sue or prosecute for the same to effect the one moiety or half part of the same to the person or persons so prosecuting and the other moiety when recovered to be paid to the treasurer or chamberlain of the said city for the use of the poor thereof. *Provided* always,

Repairs to
old build-
ings.

And be it further enacted That if any dwelling house or other building already erected and now covered with boards or shingles within the said city southward and westward of the line aforesaid shall at any time hereafter require to be new roofed it shall and may be lawful for the proprietor or proprietors thereof to roof the same with boards or shingles or in such other way and manner as was customary before the passing this act any thing herein contained to the contrary in any wise notwithstanding.

Double
taxes in
case of
violation.

And be it further enacted That besides the penalties upon the proprietor and workmen who shall build or roof the same every dwelling-house or other building which shall be erected or built after the first day of May next contrary to the directions of this act shall be liable to and chargeable with double taxes during so long a time as such dwelling house or other building shall so continue.

Exceptions

And be it further enacted That all roofs steeples cupolas and spires of churches and other public buildings may be covered with boards and shingles any thing in this act to the contrary hereof notwithstanding.

Id.

And be it further enacted That any house or other building which hath been erected or built in the city of New York southward and westward of the line aforesaid since the thirty first day of March one thousand seven hundred and ninety five or shall be erected or built at any time before the first day of September next not exceeding twenty eight feet in height as described in the act hereby repealed shall not be deemed a three story house or building nor be subject to any of the penalties provided in either of the acts by this act repealed.

Storage of
sulphur
and hemp.

And be it further enacted That from and after the passing of this act no greater quantity of sulphur than ten hundred weight and no greater quantity of hemp or flax than twenty hundred weight shall be put stored or kept in any one place in the city of New York to the southward of the fresh water in the sixth ward nor to the southward of Rutgers's slip in the seventh ward other than in such proper place or places as shall be appointed and approved of by the mayor aldermen, and commonalty of the city of New York in common council convened under the penalty of ten pounds for every offence or refusal to remove the same to be recovered levied and applied in the manner and for the purposes in and by this act directed.

Acts
recited
repealed.

And be it further enacted That the act for the more effectual prevention of fires and to regulate certain buildings in the city of New York passed the twenty fourth of March one thousand seven hundred and ninety one and the act to explain an act entitled An act for the more effectual prevention of fires and to regulate certain buildings in the city

of New York passed the 26 of January 1792 and one other act to amend the acts for the prevention of fires and to regulate certain buildings in the city of New York passed the 31st of March 1795 except as to suits now depending be and each of them are hereby repealed.

And be it further enacted That John Stagg George Stanton Joseph Stringham William De Peyster and Anthony Post commissioners appointed in and by an act entitled An act for continuing and extending Bancker street in the fifth ward of the city of New York into Pearl street and for widening Beaver lane in the first ward of the said city or a major part of the said commissioners be and they are hereby authorized and required to assess a proportion not less than three fourths of the whole sum necessary to defray the expenses of opening Bancker street in the fifth ward of the city of New York and for widening of Beaver lane in the first ward of the said city upon the owners and occupants of houses and lots which in their opinion will be benefited by such improvements in such proportions among the respective owners and occupants as they shall judge just and equitable any thing in the said act to the contrary in any wise notwithstanding.

Assessment for extension of Bancker street.

CHAP. 56.

AN ACT requiring the officers in this State to take certain oaths of office, and for giving notice to officers appointed or superceded.

PASSED the 8th of April, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That if any officer, civil or military in this State, shall execute his office without having first taken and subscribed the oaths or affirmations required by the statutes of this State to be taken, and the oath to support the constitution of the United States, such officers shall thereby forfeit their said offices respectively, and be removed therefrom, and such neglect or omission, is hereby declared to be a misdemeanor, indictable and punishable by fine and imprisonment.

Penalty for execution of office before oath taken.

And be it further enacted, That as often as any appointments shall be made by the council of appointment, to any offices civil or military in this State, and as often as any person or persons shall be superceded, the commissions and supercedeas's shall from time to time be speedily sent by the secretary of this State to the clerk of the county, wherein such person so appointed or superceded, reside; which clerk shall forthwith at the expence of this State give notice to every person appointed to any office or superceded, of such appointment or supercedeas; and whenever the person administering the government of this State, shall judge it for the public good that a speedier communication be made of any appointment or supercedeas, it shall be lawful to dispatch at the expence of this State, an express for that purpose to the person so appointed or superceded, or to the clerk of the county wherein such person or persons shall reside, with the commissions or supercedeas's.

Notice of appointment and supercedeas.

And be it further enacted, That the clerk of each county in this State shall on or before the fifteenth day of January in every year at the like expence of this State, give information to the person administering the government of this State, of such persons as have taken the oaths required by law to be taken, and of such as have neglected to take the same, and also of all vacancies, occasioned by death, removal, or otherwise.

Report to be made by county clerk.

Notice of
super-
cedes by
advertise-
ment.

And be it further enacted, That in those cases where a supercedes issued and sent in manner aforesaid, will not in the opinion of the person administering the government of this State, give sufficient public notice thereof, the secretary of this State shall cause notice of such supercedes to be published for two weeks successively in the news paper printed by the printer of this State, which publication is hereby declared to be a sufficient notice thereof to all intents and purposes.

Report to
legislature.

And be it further enacted That the accounts of the expences attending the execution of this act, shall be yearly and every year laid before the legislature, to the end, that provisions may be made for the payment thereof.

Whereas by the twentieth section of the act entitled "An act for the more speedy recovery of debts to the value of ten pounds, the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, was authorized to appoint assistant justices in the city and county of New York, but no time limited for their duration. Therefore

Terms of
office of
assistant
justices.

Be it further enacted That every such office shall be held during the pleasure of the council of appointment. *Provided* that new commissions shall be issued once at least in every three years.

Penalty for
failure to
make re-
turn of
names of
persons to
whom
oaths of
office have
been ad-
ministered

And be it further enacted, That if any person whose name is inserted in the commission of dedimus protestatem in any of the counties of this State shall not make a return of the rolls containing the names of all such officers to whom he shall have administered the oaths of office, within six months after he shall have administered the said oaths, every such person neglecting to make such return as aforesaid, shall forfeit to the people of this State the sum of ten pounds to be sued for and recovered with costs of suit before any court having cognizance of the same by the clerk of the county in which the said person so making default as aforesaid, shall reside, one moiety of which forfeiture when recovered, shall by the said clerk be paid into the hands of the treasurer of the said county to be disposed of in such manner as the board of supervisors of the county shall direct; and it shall be lawfull for the said clerk to retain the other moiety of the said forfeiture for his own use.

CHAP. 57.

AN ACT for the payment of certain officers of government, and other contingent expenses.

PASSED the 11th of April, 1796.

Annual
appropri-
ation bill;
divers
State
officers.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer of this State shall pay on or before the first day of July next to Simeon De Witt surveyor general of this State the sum of five hundred pounds. To James Fairlie late clerk of the courts of oyer and terminer and general gaol delivery at and after the rate of five hundred pounds per annum. To Francis Childs late printer to this State at and after the rate of one hundred pounds per annum for their services in their respective offices, the said Simeon De Witt from the first day of July last to the first day of July next, the said James Fairlie from the first day of July last to the fourteenth day of February last, the said Francis Childs from the first day of July last till the nineteenth day of January last.

Provided nevertheless That the said Simeon De Witt shall account with the auditor of this State and pay into the treasury, all the fees which he may have received as surveyor general during the time above mentioned and which have not yet been accounted for and paid.

And be it further enacted That the said treasurer shall pay unto David Van Horne adjutant general of the militia of this State at and after the rate of six hundred pounds for his services in the said office from the first day of July last to the first day of July next. Adjutant-general.

And be it further enacted That the said treasurer shall pay to such of the clergy as shall have attended the legislature as chaplains during the present session the sum of twenty shillings each for every day of their attendance for that purpose and a certificate of their attendance and the sums due to them respectively shall be certified by the president of the senate and the speaker of the assembly in like manner as for the members of the legislature. Chaplain of legislature.

And be it further enacted That the said treasurer shall pay to each member of the joint committee of the senate and assembly who attended at the secretary's office to canvass the ballots taken at the last election for governor lieutenant governor and senators for every day they attended or were travelling to or from their respective places of abode for the purpose of attending on such canvass the like compensation as is allowed to the members of the legislature for their services in and by this act and the act entitled "An act for the support of government." State canvassers.

And be it further enacted That the said treasurer shall pay to each member of the joint committee of the senate and assembly appointed at the present session of the legislature to canvass the ballots to be taken at the next election for senators for this State and for canvassing the ballots to be taken at the next ensuing election for electing representatives for this State in the Congress of the United States for every day they shall respectively attend or are travelling to or from their respective places of abode for the purpose of attending on such canvass the like compensation as is allowed to members of the legislature in and by this act for their services during the present session and if the said canvassers shall not be able to finish the business of canvassing within the time limited by law, they shall continue from day to day to canvass the votes until they shall have compleated the said canvassing not exceeding twenty one days in the whole. Id.

And whereas by the act entitled An act for the support of government "passed the 11th day of April 1792 it is enacted that for the then present session and at every session of the legislature in every year thereafter the president of the senate and speaker of the house of assembly shall each be entitled to receive thirty shillings for every day he shall attend in his station and that each member of the senate and assembly shall be entitled to receive twenty shillings for every day he shall attend either of the said houses respectively and the like compensation to the said president and speaker and to the other members of the legislature, for every thirty miles of the distance from the place of his residence to the place of the meeting of the legislature both for travelling to and returning from the place of their said meeting." And for as much as the prices of every necessary of life have since the above period been greatly enhanced and a variety of circumstances render it proper and expedient that the compensation to the members of the legislature for the present session should and ought to be augmented and raised. Therefore

Be it further enacted That the said treasurer shall pay in addition to the allowance made and directed in and by the said act above men- Extra pay to mem-

bers of
legislature.

tioned to the president of the senate and the speaker of the house of assembly for the present session the additional sum of eighteen shillings per day and to each and every of the members of the legislature for and during the present session the additional sum of twelve shillings per day to be paid to each of the said members of the legislature respectively in the manner directed and appointed in and by the said act above mentioned.

Id., to em-
ployees.

And be it further enacted That the said treasurer shall pay to the clerk of the senate and the clerk of the assembly the sum of eighteen shillings per day in addition to the allowance stipulated to be paid to them respectively in and by the fifth section of the said act above mentioned for their respective services during the present session of the legislature and in like manner there shall be allowed and paid to the sergeant at arms of the senate and the sergeant at arms of the assembly and the doorkeepers of the senate and assembly for the present session the sum of eight shillings per day for every day they shall have respectively attended the legislature during the present session in addition to the allowance stipulated and made in and by the said act above mentioned and in manner and form as is directed in and by the said act.

Accounts
of presid-
ing officers

And be it further enacted That the compensation which may as afore-said become due to the president of the senate and speaker of the house of assembly shall be paid by the said treasurer to the said president and speaker respectively on their producing to the said treasurer their accounts signed by them respectively.

And whereas by the said act entitled An act for the support of government it is enacted that each member of the senate and assembly shall receive the same allowance per day for the days they are travelling to and from their respective places of abode to the place of the meeting of the legislature said allowance to be computed at thirty miles travelling per day which said allowance is conceived to be insufficient. Therefore

Travelling,
computing
of.

Be it further enacted That instead of computing said travelling at thirty miles per day it shall in respect to the present session be computed at twenty miles per day any thing in the said act to the contrary notwithstanding.

Jotham
Post.

And be it further enacted That the said treasurer shall pay to the order of Jotham Post a sum not exceeding the sum of four hundred pounds to be appropriated in and about the repairs to the government house and for improving the lot and premises appertaining to the said house in such manner as the said Jotham Post shall judge most proper and for which sum the said Jotham Post shall account with the auditor of this State.

Extra pay
to divers
State offi-
cers.

And be it further enacted That from the first day of July last to the first day of July next there shall be allowed to the several officers of government hereafter mentioned in addition to the annual salaries now allowed them and each of them respectively in and by the said act entitled "An act for the support of government" the following sums to wit. To the person administering the government of this State the sum of five hundred pounds in addition to the sum stipulated and allowed in and by the said act. To the chancellor the sum of two hundred and fifty pounds in addition to the sum stipulated and allowed in and by the said act. To the chief justice the sum of two hundred and fifty pounds in addition to the sum stipulated and allowed in and by the said act. To each of the other judges of the said supreme court the sum of two hundred and fifty pounds in addition to the sum stipulated and allowed in and by the said act. And to Egbert Benson one of the

judges of the supreme court a further sum at the rate of two hundred pounds a year during the time he has resided or shall reside in the city of New York since the first day of July last and before the first day of July next. To the treasurer the sum of two hundred pounds in addition to the sum stipulated and allowed in and by the said act. To the private secretary of the person administering the government of this State the sum of seventy five pounds in addition to the sum stipulated and allowed in and by the said act. To the secretary of this State the sum of one hundred and fifty pounds in addition to the sum stipulated and allowed in and by the act entitled "An act allowing an annual salary to the secretary of this State including his services as clerk to the council of revision. All which said additional sums shall be paid by the said treasurer in manner and form as is directed in and by the said act entitled "An act for the support of the government."

And be it further enacted That the said treasurer shall pay to Robert Hunter commissary of military stores for his services in the said office for one year from the first day of July last to the first day of July next the sum of fifty pounds and the further sum of sixteen pounds thirteen shillings and eleven pence to the said Robert Hunter being for the like sum advanced and expended by him the said Robert Hunter in and about the business of his said office. Commissary of military stores.

And be it further enacted That the said treasurer shall pay to the chamberlain of the city of Albany for the use of the mayor aldermen and commonalty of the said city of Albany the sum of two hundred and fifty five pounds two shillings and two pence being the necessary expenses incurred expended and paid by the said mayor aldermen and commonalty of the city of Albany during the last summer and fall in and about the preventing the introduction and spreading of the infectious disease in the said city of Albany which at that period prevailed in the city of New York. Albany city

And be it further enacted That the said treasurer shall pay to the mayor aldermen and commonalty of the city of New York in common council convened or to their order by warrant under the hand of the mayor or recorder of the said city presiding in such common council the sum of three thousand three hundred and eleven pounds sixteen shillings and two pence being the amount of the necessary expenses incurred and paid by the said mayor aldermen and commonalty of the city of New York during the last summer and fall by occasion of the infectious disease which during that time prevailed in the city of New York. New York city.

XVI. *And be it further enacted* That the said treasurer shall pay to Abraham Ten Broeck Egbert Benson and James Watson agents appointed by his excellency the governor in pursuance of the act entitled "An act to amend an act, entitled an act relative to the Indians resident within this State" passed the 5th day of March 1795 for the purposes in the said act specified the sum of thirty shillings each per day for every day they respectively shall and may have been engaged or employed in and about the business mentioned in the said act the said agents respectively having their said accounts first audited and certified by the auditor of this State. Indian agents.

XVII. *And be it further enacted* That the said treasurer shall pay to Richard Lush clerk of the city and county of Albany the sum of twenty five pounds seventeen shillings and ten pence being the amount of certain expenses incurred and paid by the said Richard Lush in removing certain deeds and conveyances for lands in the military tract from his Richard Lush.

office in the city of Albany to the county of Onondaga in pursuance of the act of the legislature in such case made and provided.

James
Fairlie.

XVIII. *And be it further enacted* That the said treasurer shall pay to James Fairlie clerk of the supreme court the sum of sixteen pounds in full for a seal procured by him on the order and for the use of the supreme court of this State.

Commissions of
fortifications.

XIX. *And be it further enacted* That there shall be allowed and paid by the treasurer to Stephen Van Rensselaer John Taylor John Vernor and William North each the sum of twelve shillings per day exclusive of their necessary expenses for every day they shall have been bona fide employed as commissioners of fortifications in the eastern and western districts of this State on their accounts being certified by the auditor.

Door-
keeper of
council of
revision.

XX. *And be it further enacted* That the treasurer shall pay to the doorkeeper of the council of revision the sum of twenty four shillings per day for each day he shall have served in that station during the present session of the legislature agreeable to such account thereof as he shall produce certified by the secretary of this State.

Attorney-
general.

XXI. *And be it further enacted* That an additional allowance shall be made to the salary of Nathaniel Lawrence late attorney general at and after the rate of two hundred pounds per annum to be computed from the first day of July last until the day on which the said attorney general resigned his office.

Council of
appoint-
ment.

And be it further enacted That the members of the council of appointment shall hereafter and before the first Tuesday in January next be entitled to the same additional allowance per day and be entitled to the like compensation for travelling to and from their respective places of residence as by this act is allowed to the members of the senate and assembly. *Provided* that no such allowance and compensation shall be made unless for their attendance in the recess of the legislature and the treasurer is hereby directed to pay the same on the certificate of the person administering the government of the State for the time being.

Indian
agents, etc.

And be it further enacted That the said treasurer shall pay to the agents appointed in and by the act entitled "An act for the better support of the Oneida Onondaga and Cayuga Indians and for other purposes therein mentioned and to the commissioners appointed in and by the act entitled An act relative to lands in Brothertown the sum of thirty shillings each per day for every day they respectively have been employed in and about the business committed to them by the said acts respectively the said agents and commissioners respectively having their accounts thereof first audited and certified by the auditor of this State.

Indian
affairs.

And be it further enacted That it shall be lawful for the person administering the government of this State for the time being to draw out of the treasury such sum of money as shall be necessary to defray the expenses incurred on account of the Mohawk and other Indians who have attended the legislature during their present session and also such further sums not exceeding in the whole the sum of two thousand pounds as he shall judge necessary to defray the expense of holding a treaty with the Indians now in the city of New York being a deputation from the Indians usually distinguished as the St. Regis Indians if he shall judge it proper to hold such treaty comprehending the compensation to the commissioner or commissioners holding such treaty under the authority of the United States and which may be held in consequence of an application from the person administering the government of this State for the time being if he shall judge such commissioner or commissioners necessary for holding such treaty and comprehending also such

compensation as the commissioners shall think fit to allow in full extinguishment of the claim of the said Indians by annuity or otherwise.

And be it further enacted That the treasurer shall after the expiration of the time limited in the third clause in the act entitled an Act to encourage literature by donations to Columbia College and to the several academies in this State continue to pay for the further term of two years to the trustees of Columbia College or their order the sum of seven hundred and fifty pounds to be applied agreeably to the directions of the said third section of the said act.

Columbia College.

And be it further enacted That it shall and may be lawful for the treasurer of this State and he is hereby required to pay unto the treasurer for the time being of the society of the hospital in the city of New York for the use of the said corporation the sum of one thousand pounds annually for the term of four years in addition to the sum directed annually to be paid to the treasurer of the said society for the term of five years in and by the act entitled an Act for the better support of the public hospital in the city of New York the first annual payment of the said sum of one thousand pounds to be immediately advanced by the treasurer of this State to enable the said society to discharge their debts and make necessary repairs to the said hospital.

Society of the Hospital in the city of New York.

And be it further enacted That the treasurer of this State be and he hereby is authorized and directed to pay out of any monies in the treasury not otherwise appropriated to the trustees of Union College or to their order the sum of four thousand pounds to be expended by them in erecting such buildings as in their opinion are necessary for the use of the said college for which the said trustees shall account with the auditor of this State.

Union College.

And be it further enacted That it shall be lawful for the treasurer of this State and he is hereby required to pay to the commissioners appointed by the second section of the act entitled An act authorizing the erecting of fortifications within this State upon a warrant of the person administering the government of this State for the time being a sum not exceeding five thousand pounds out of any monies in the treasury not otherwise appropriated to be by the said commissioners laid out and expended for keeping in repair the fortifications on Governors island Bedlows island and Oyster island and for securing such part thereof as are in danger of failing for want of further improvements.

Commissioners of fortifications.

And be it further enacted That it shall be lawful for the treasurer to pay to the person administering the government of this State for the time being to defray the immediate charges which may arise in and about the administering the government of this State such sum or sums as he shall from time to time by warrant under his hand and the privy seal of the State require not exceeding in the whole the sum of three hundred pounds.

Incidental charges.

And be it further enacted That the treasurer shall pay to the council employed by his Excellency the Governor to examine the cases in which suits for the recovery of dower have been brought by Sarah Wallace and Eva White such sum as the person administering the government of this State shall by warrant direct for their fees and services in the said business.

Council fees.

And be it further enacted That the treasurer shall and he is hereby directed to pay to John Morton printer to this State such sums of money as shall be certified by the auditor to be due to him for printing the laws and journals of the present session of the legislature and other printing business that shall appear to be done by the said John Morton agreeable to and in pursuance of the joint resolution of the legislature of the 20th of January last.

John Morton.

Act rectified
continued.

And be it further enacted That the act entitled An act for electing representatives for this State in the house of representatives of the Congress of the United States of America passed the eighteenth day of December one thousand seven hundred and ninety two shall be and the same is hereby continued in full force until the first day of March next any limitation in the said act to the contrary notwithstanding.

CHAP. 58.

AN ACT for the relief of Wilhem Willinck, Nicolaas Van Staphorst, Christian Van Eeghen, Hendrick Vollenhoven, Rutger Jan Schimmelpenninck and Pieter Stadnitski being aliens.

PASSED the 11th of April, 1796.

Lands to
be held in
trust for
persons
named.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall be lawful for the persons by whom the lands for the purchase of which Wilhem Willinck Nicolaas Van Staphorst Christian Van Eeghen Hendrick Vollenhoven Rutger Jan Schimmelpenninck and Pieter Stadnitski being aliens have already contracted and paid are now held, to hold the same in fee simple as trustees for the said six persons above named their heirs and devisees and the heirs and devisees of heirs and devisees without limitation as to the number of descents or devisees in succession although the said six persons above named and such heirs and devisees may be aliens and the law of this State whereby aliens are disabled from taking and hold lands to their own use notwithstanding.

And to the end that the lands herein intended may be known and ascertained

Declara-
tions to be
filed.

Be it further enacted That the persons so holding as trustees shall execute declarations in writing to be acknowledged or proved and thereupon to be recorded in the office of the secretary of this State within one year after the passing of this act specifying the lands held by them as trustees of the said six persons above named and the lands to be specified in such declarations shall be deemed to be the lands for the purchase of which the said six persons above named have already contracted and paid and which the persons executing such declarations are hereby enabled to hold in trust as aforesaid and such trustees shall also at the time of executing such declarations make oath that no other lands are described in the said declarations respectively than such as were conveyed to them the said trustees and were to the best of their knowledge and belief contracted and paid for by the said persons for whom they are so trustees before the passing of this act and if such declarations shall not be so recorded within the time for that purpose above limited that then this act shall be thenceforth void.

Change of
trustees.

And be it further enacted That whenever any person holding the said lands in trust as aforesaid shall be minded to be discharged from the trust or whenever the persons for whom the said lands shall be so held in trust shall be minded to change the trustees or any of them then in such case and as often as the same shall from time to time happen it shall be lawful for the trustees so to be discharged or so to be changed to convey over in fee simple the lands so held by them in trust to new trustees to be also citizens of the United States and to be nominated for the purpose by the persons for whom the lands shall at the time be so held in trust.

But in as much as the intent of this act is only to allow to to the said six persons above named their heirs and devisees in succession as above mentioned if they shall not in the mean time themselves become citizens of the United States, a reasonable time to sell the said lands to citizens of the United States and to provide a mean whereby a title may be made to the vendees free from the plea or pretence of alienism in the vendors. Therefore

Be it further enacted and it is hereby expressly declared and provided That such of the said lands or rents issuing out of the same as shall after the expiration of seven years from the passing of this act be held in trust for the said six persons or their legal representatives aliens shall be forfeited to and vested in the people of this State as lands held by aliens or to the use of aliens in like manner as if this act had never passed any thing herein contained notwithstanding.

Lands to escheat in seven years if persons remain aliens.

CHAP. 59.

AN ACT for the relief of Clara Service and others.

PASSED the 11th of April, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That the treasurer of this State shall and he is hereby directed to pay to Clara Service or her legal representative which said Clara is the widow of Christopher Service deceased whose estate became forfeited to the people of this State the sum of one hundred and thirty four pounds fourteen shillings. To Sarah Wallace the widow of Hugh Wallace deceased whose estate became forfeited to the people of this State the sum of four thousand pounds. To Eva White the widow of Henry White deceased whose estate became forfeited to the people of this State the sum of eleven hundred pounds. To Mary Lent the widow of Peter Lent deceased whose estate became forfeited to the people of this State the sum of one hundred and fifty five pounds. To Amy Lewis the widow of Benjamin Lewis deceased whose estate became forfeited to the people of this State the sum of one hundred and nine pounds. To Phila De Lancey the widow of Oliver De Lancey deceased whose estate became forfeited to the people of this State the sum of one thousand pounds. To Curtis Hard and Sarah his wife who was the widow of Benjamin French deceased whose estate become forfeited to the people of this State the sum of four hundred pounds. To Ruth Hawley the widow of Ezekiel Hawley deceased whose estate became forfeited to the people of this State the sum of thirty pounds, for their rights of dower in the lands and tenements whereof their respective husbands were seized within this State upon their respectively executing and delivering to the treasurer a release of their dower and right of dower respectively of and in the said lands and tenements to the people of this State and to the persons respectively holding the same lands and tenements.

Discharge of certain dower rights in forfeited estates.

Provided always That if the said Sarah Wallace and Eva White or either of them shall not by herself or her attorney within six weeks after the passing of this act accept the sums above directed to be paid to them respectively and execute and deliver to the treasurer such release as aforesaid then and from thenceforth this act shall become void as to her or them so refusing or neglecting and the treasurer is hereby

Proviso as to acceptance by parties named.

directed immediately thereafter to give notice thereof to the person administering the government of this State for the time being who is hereby requested thereupon to direct the counsel already employed in behalf of this State respecting the suits brought by the said Sarah Wallace and Eva White for the recovery of dowers to take such measures and to institute such suit or suits as may in their opinion be necessary or proper to have the claim or claims of her or them so refusing or neglecting judicially determined and the treasurer is hereby directed to pay to such counsel such sum or sums of money for the purpose aforesaid as the person administering the government of this State for the time being shall from time to time by his warrant direct not exceeding in the whole the sum of one thousand pounds.

CHAP. 60.

AN ACT to enable certain persons therein named to take and hold real estates within this State.

PASSED the 11th of April, 1796.

Persons
named
enabled to
hold lands
within this
State.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for Alexander Murray Alexander Murray jun Jean Da Sylva Gatian Liger, Pierre Daniel Bidetrenoulleau Robert Givan, James Somerville, Thomas Davis Arnold Romberg Jasper Parson John Joseph Marcel Lenormand, James Augustus Simond Robert Mattocks John Boorman Renee Benjamin Rouer John Christian Kohlswagen George Bolland Nicholas Olivie and Marie Francois Marshal Olivie his wife Louis Simond and Frances Simond his wife Charles Northbrook Evan McPherson Robert McBride William McBride James McBride, James Lanacre, William Ottewell Gerret Graba Peter Alexander Delessert, James Cassady John I. Werth George Leslie, Roger Alden Hiern Henry Miller Hugh Gibson, James Thompson Nicholas Matheau Delonquemare Alexander Delannoy Armond Du Columbier, Peter Anthony Blenon Armond Valadon, Phillipee Sebastian Christophe, James Maires James Evans William Clenaghan Frederic Klein John Waugh Thomas Chapman German Arden John Bu Dulsre, John C. Jean Rouvellet Philip Belin Pierre Maurice Pierre Levesgue Tauruerro James Fenn David King Benjamin Laws and William Hamilton severally to take and hold by purchase land tenements and hereditaments within this State respectively to have and hold the same to them and to their heirs and assigns forever respectively as fully to all intents and purposes as any natural born citizen do or can do any law usage or custom to the contrary notwithstanding.

Lands not
to escheat.

And be it further enacted That no lands tenements or hereditaments heretofore purchased by any one of the persons herein before named shall escheat or become forfeited to the people of this State by reason or on account of such persons then being aliens but all such lands tenements and hereditaments shall be understood as having vested in such purchaser or purchasers any law to the contrary thereof notwithstanding. *Provided always* that no alienation of any land purchased or to be purchased or held by virtue of this act shall be good and effectual in law other than to a citizen or citizens of the United States,

CHAP. 61.

AN ACT for loaning money to the directors of the Western Inland Lock Navigation Company in this State, and for other purposes therein mentioned,

PASSED the 11th of April, 1796.

WHEREAS the directors of the Western Inland Lock Navigation Com- Preamble.
pany in this State have represented to the legislature, that they have determined in the present year to connect the waters of the Mohawk river with those of Wood Creek by means of a canal and locks, and to prosecute other important improvements in the internal navigation, but by reason that several stockholders are not in condition, immediately to furnish their proportion of sums adequate for the purpose, have therefore respectfully intreated the aid of the legislature in the premises. To the end therefore that improvements, so important to the interest of the community may be accelerated.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the treasurer shall be and he is hereby directed, to advance unto the said directors, or to their order, the sum of fifteen thousand pounds, out of any monies in the treasury unappropriated, and for securing the re-payment thereof into the treasury he shall take a bond and mortgage upon the real estate of the said company at the Little Falls on the Mohawk river, executed under the seal of the said company, and countersigned by the president thereof, conditioned for the re-payment of the said sum of fifteen thousand pounds, on or before the first day of January which will be in the year of our Lord, one thousand eight hundred and three; which mortgage, after having been duly proved or acknowledged, shall be recorded in the office of the secretary of this State, shall be of the same force and effect in the law as if the same were recorded in the county or counties where the lands so mortgaged, do lie. And on the further condition, that an interest of six per cent per annum on the said sum shall be annually paid into the treasury of this State until the compleat repayment of the said principal sum shall be effected in manner aforesaid. Advance to directors of Western Inland Lock Navigation Company.

And be it further enacted That it shall and may be lawful to and for the person administering the government of this State for the time being, to direct the keeper of the military stores belonging to this State, to deliver to the order of the said directors such quantity of powder, as he may think proper, not exceeding one ton and an half. *Provided* that previous to such delivery, the said directors or some person on their behalf shall give sufficient security to the people of this State, to be approved of by the person administering the government, to return the like quantity of powder and of equal quality, to the State when required, and deposit such security with the treasurer of this State. Loan of powder.

CHAP. 62.

AN ACT appropriating monies for roads in the county of Onondaga and for other purposes therein mentioned.

PASSED the 11th of April, 1796.

Preamble. WHEREAS the surplus money arising from the sale of such parts of the lots in the towns in the county of Onondaga as were assigned to defray the expense of surveys in the said towns was by law appropriated for making and repairing the highways in the said towns and it being proper that part of the residue of such surplus remaining in the treasury of this State should be now applied as originally intended. Therefore

Commissioners of highways for Onondaga county. *Be it enacted by the People of the State of New York represented in Senate and Assembly* That Seth Phelps William Stevens and Comfort Tyler shall be and hereby are appointed commissioners to make and repair the highways in the county of Onondaga already laid out or which may be laid out therein and to defray the expense thereof out of the monies by this act directed to be paid to them.

Appropriation for roads. *And be it further enacted* That it shall and may be lawful to and for the treasurer of this State to pay unto the said commissioners or to the order of any two of them the sum of four thousand dollars being part of the residue of the surplus money aforesaid. *Provided* that previous to such payment the said commissioners shall in due form of law execute a bond to the people of this State in double the sum aforesaid conditioned for the due punctual, and impartial discharge of the duties enjoined them by this act and shall deliver such bond to the said treasurer.

Genesee road. *And be it further enacted* That the said commissioners shall and they are hereby strictly enjoined to expend two thousand dollars of the said monies in repairing the highway and bridges thereon heretofore directed to be laid out by law and now commonly called the Great Genesee road from the eastern to the western bounds of the said county of Onondaga and the residue of the money aforesaid to expend in the repair of such highways and the bridges thereon in the said county as will tend most extensively to benefit and accommodate the inhabitants thereof.

Bridges, raising of. *And be it further enacted* That it shall be the duty of the said commissioners and they are hereby strictly enjoined to cause all and every bridge which shall be constructed under their direction over any stream to be raised at least three feet above the water at its usual greatest height in the wettest season of the year and to construct every such bridge of the most durable and largest timber which can be obtained in its vicinity, and that wherever it can conveniently be done the road shall be raised in the middle so as to enable the water falling thereon freely to discharge therefrom and shall pursue every other measure which in their opinion will best benefit the public in the expenditure of the money committed to them.

Bonds and oaths. *And be it further enacted* That the said commissioners previous to receiving the money aforesaid or executing any of the duties enjoined them by this act other than executing and delivering the bond aforesaid shall severally make oath before one of the judges of the said county of Onondaga honestly faithfully and impartially to discharge the duties enjoined by this act and render true fair and correct accounts of all expenditures in the premises to the auditor of this State.

And be it further enacted That the said commissioners shall as soon as may be convene and then determine on which highways besides the said Genesee road it will be proper to expend the money intrusted to their disposition and having so determined shall jointly repair to and examine each such highway and the bridges thereon and having made such examination shall assign such a portion of the said money to each as they or any two of them in their discretion shall deem meet and proper and shall appoint one of themselves to superintend the repairing the said Genesee highway and the bridges thereon and one other of themselves to superintend the repairing one or more of the other highways on which part of the said money is to be expended and the residue of the said highways to the other of the said commissioners.

How mon-
eys ex-
pended.

And be it further enacted That it shall and may be lawful to and for the said commissioners severally to retain out of the monies which may come into his hands two dollars per day for each day which he shall be actually employed in such examination and superintendence as aforesaid.

Compensa-
tion of
commis-
sioners.

And be it further enacted That it shall and may be lawful for the treasurer of this State to pay unto Jacobus Van Schoonhoven the sum of three hundred and twelve pounds for the reimbursements of the like sum expended by him and others in removing the rocky precipice on the east side of the bridge over the Mohawk river below the Cohoes falls. *Provided* that he the said Jacobus Van Schoonhoven shall previous to the receipt thereof exhibit an account of the expenditure of the said sum to the auditor of this State and produce a certificate from the said auditor that the money has been satisfactorily accounted for.

Removal
of rocks
near Co-
hoses bridge

Whereas there is a vacancy of two of the commissioners appointed to superintend the laying out the Great Genesee road from Old Fort Schuyler in the county of Herkemer. Therefore

Be it further enacted That Amos Hall and Lamuel Chipman shall be and hereby are appointed commissioners in lieu of the late Israel Chappen and Othneel Taylor who are in conjunction with Michael Myers shall be commissioners for the said highway with all and singular the powers by law conferred on the former commissioners.

Vacancies
filled.

CHAP. 63.

AN ACT to confirm the partition of a tract of land granted to George Klock and others.

PASSED the 11th of April, 1796.

WHEREAS Christian Nellis and others by their petition presented to the legislature at their last session, did set forth, that a certain tract of land lying in the county of Montgomery, granted by letters patent on the twenty first day of December one thousand seven hundred and fifty four, unto George Klock William Nellis and fourteen other persons, had been divided among the patentees and other partners and their representatives, which partition was ineffectual by reason that the patentees did not sign releases thereupon.

Preamble.

And whereas the legislature at their said last session did direct a copy of the said petition and a description of the bounds of the tract so alluded to, and a copy of the said resolution to be published as therein is directed.

And whereas it appears that the directions contained in the said resolution have been observed and complied with, and no cause has been shewn, why a law for the purpose aforesaid should not be passed. Therefore

Partition confirmed.

Be it enacted by the People of the State of New York represented in Senate and Assembly, That the said division and partition made of the said tract, be and the same is hereby ratified and confirmed, and the same shall be deemed and taken as valid and effectual from the time of making thereof.

CHAP. 64.

AN ACT authorizing the mayor aldermen and commonalty of the city of Albany to raise a sum by tax for defraying the expense of lighting the lamps and for the support of a night watch in the said city.

PASSED the 11th of April, 1796.

Preamble.

WHEREAS the mayor aldermen and commonalty of the city of Albany have by their petition requested a law authorizing them to raise the sum of eight hundred pounds for the defraying the expense of lighting the lamps and for the support of a night-watch in the said city. Therefore

Tax levy in Albany for night watch, etc.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful to and for the said mayor aldermen and commonalty in common council convened as soon as conveniently may be after the passing of this act to order the raising a sum not exceeding eight hundred pounds by a tax on the estates real and personal of all and every the freeholders and inhabitants within the said city residing within half a mile westward of Hudsons river to be applied to the payment of so many watchmen as the said mayor aldermen and commonalty have employed or shall think necessary to employ for guarding the said city for one year and for defraying the expense for one year of lighting the lamps that now are or within the period aforesaid may be erected within the said city which said sum shall be rated and assessed by the assessors of the said city for the time being and levied and collected in the same manner as hath heretofore been accustomed within the said city for levying and collecting the tax for the maintenance of the poor and other contingent charges within the said city and that the tax shall be paid into the hands of the chamberlain of the said city, for the time being to be applied and disposed of from time to time in such manner for the purposes herein before mentioned as the said mayor aldermen and commonalty of the said city in common council convened shall direct and appoint.

Statement to be published.

And be it further enacted That the chamberlain of the said city for the time being shall yearly on the second Tuesday of October in every year publish a state of all monies received and expended by him for the use of the said city and of the particular sums and to what purposes applied in one or more of the public news papers printed in the said city of Albany.

CHAP. 65.**AN ACT for the relief of Hugh McCauley.**

PASSED the 11TH of April, 1796.

WHEREAS it is represented to the legislature that Hugh McCauley contracted with the commissioners of the land office for two hundred acres of land in the county of Washington and the description of the land mentioned in the said contract being inaccurate the surveyor general has not laid out the said two hundred acres exactly conformable to such description. Therefore

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for the commissioners of the land office to issue letters patent to the said Hugh McCauley for the said quantity of two hundred acres of land so surveyed as aforesaid at the price contracted for by and between the commissioners of the land office of the one part and the said Hugh McCauley of the other part. *Provided* that it shall appear to the satisfaction of the said commissioners that the lands so surveyed have not already been granted and in case the same have been granted that it shall and may be lawful for the said commissioners to make compensation to the said Hugh McCauley out of other vacant unappropriated lands in the eastern district of this State.

Grant to
Hugh Mc-
Cauley.

CHAP. 66.

AN ACT to amend an act entitled An act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned.

PASSED the 11TH of April, 1796.

Be it enacted by the People of the State of New York represented in Senate and Assembly That it shall and may be lawful for every pilot commissioned and appointed as is directed in and by the act entitled An act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned to ask demand and receive of and from any person or persons who shall employ him to pilot any ship or other vessel from the eastward or southward of the outer middle ground bar or east bank to the port of New York or from the port of New York to the eastward or southward of the said outward middle ground or east bank so far that such vessel may safely proceed to sea pilotage at the rate of ten shillings for every foot of water such ship or other vessel shall draw. *Provided* that no more than half pilotage at the rate aforesaid shall be demanded or received by any such pilot who shall to the westward of the said outer middle ground or east bank take charge of any ship or other vessel coming in the port of New York. *And provided also* that no pilotage what soever shall be demanded or received by any such pilot for any ship or other vessel coming into the said port of New York unless such pilot shall take charge of such ship or vessel to the south of the upper middle.

Fees of
pilots.

And be it further enacted That between the first day of December and the fifteenth day of March inclusive in any year every pilot commis-

Extra fees
during win-
ter months.

sioned as aforesaid may demand and receive the additional sum of thirty two shillings for any ship or other vessel drawing ten feet water and upwards and for every ship or other vessel drawing less than ten feet water the additional sum of sixteen shillings. .

Time dur-
ing which
pilot de-
layed.

And be it further enacted That for every day which every pilot commissioned as aforesaid shall be required to remain or be detained on board any ship or other vessel by the master thereof waiting for a fair wind or otherwise such pilot is hereby authorized to ask demand and receive the sum of twelve shillings.

Pilot boats

And be it further enacted That any boat which shall after the passing of this act be used as a pilot boat (excepting those which are now in use) shall not exceed in the length of keel including the whole length of the scarf thirty six feet.

Part of act
recited re-
pealed.

And be it further enacted That the fourth section of the act entitled, an act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned and the act entitled An act to amend the act for the regulation of pilots and pilotage for the port of New York and for other purposes therein mentioned except so far as relates to the extra duty allowed by the last recited act upon foreign bottoms be and the same are repealed.

How long
to be in
force.

And be it further enacted That this act shall continue and be in force until the twenty fifth day of March one thousand seven hundred and ninety eight and no longer.

CHAP. 67.

AN ACT for the relief of Peter Fauchier.

PASSED the 11th of April, 1796.

Appropriation to
Peter
Fauchier.

Be it enacted by the people of the State of New York represented in Senate and Assembly That it shall and may be lawful for the treasurer of this State out of any monies in the treasury unappropriated to pay unto Peter Fauchier the sum of eighty eight pounds sixteen shillings in full compensation for certain certificates paid into the treasury of this State on the eleventh of November one thousand seven hundred and eighty four by the said Peter Fauchier for the discharge of a bond supposed to have been given by the said Peter Fauchier to Colonel Frederick Philips whose estate was forfeited to the people of this State but which proved to be a bond given to the said Frederick Philipse and others as executors to Charles Williams deceased and therefore not affected by the attainder of the said Frederick Philipse.

CHAP. 68.

AN ACT to amend the act entitled An act to organize the militia of this State.

PASSED the 11th of April, 1796.

Preamble.

WHEREAS it would greatly tend to the improvement and efficiency of the militia of this State to have their companies of grenadiers light infantry artillery and rifle men complete in uniform equipments and discipline. For the encouragement of which

Be it enacted by the People of the State of New York represented in Senate and Assembly That any non commissioned officer or private of any company of grenadiers light infantry artillery and rifle men of the militia of this State who shall produce a certificate dated within three month. of the then present time signed by the captain or commanding officer of such company and countersigned by the commandant of the regiment or brigade to which such company belongs that he belongs to such company shall not be compelled to serve on any grand or petit jury within this State. Exemptions from jury duty.

And whereas doubts do exist whether the commander in chief of the militia of this State is authorized by the first section of the act entitled An act to organize the militia of this State to arrange the companies of artillery and horse into separate regiments and brigades.

And whereas it is deemed expedient that the artillery horse and infantry should be kept in distinct and separate departments. Therefore

Be it further enacted That the commander in chief of the militia of this State be and he is hereby authorized to arrange the whole of the companies of artillery and horse within the divisions respectively into regiments and brigades in such manner as he in his discretion shall from time to time deem meet and proper which brigades when formed shall be under the command of the major general. Arrangement in regiments and brigades.

And be it further enacted That the regiment of artillery in the city and county of New York shall in the discretion of the commander in chief be subject to be annexed to and compose part of a brigade in manner contemplated by the preceding enacting clause any thing in any former law to the contrary notwithstanding. Artillery regiment in New York city.

And be it further enacted That the commander in chief shall be entitled to appoint for himself three aids de camp who shall have the rank of lieutenant colonels. Aids-de-camp.

And be it further enacted That each brigade inspector shall be entitled to receive fifty dollars per annum out of the fines collected within the brigade to be paid by the person appointed to receive the fines within said brigade by the brigadier general upon the warrant of the brigadier general for that purpose. Brigade inspectors.

And be it further enacted That it shall be the duty of the collectors of the wards and towns within this State when they have collected the exemption money of the persons and in the manner described and direct in and by the ninth section of the act entitled An act to organize the militia of this State instead of paying it to the city or county treasurer to pay it to the person appointed by the brigadier general for the purpose of receiving all fines levied and collected within the limits of the brigade who shall on or before the first Monday in March in every year pay the same to the brigadier general who shall cause the same to be equally distributed among all the captains or officers commanding companies of uniform troops within the limits of his brigade to be by them applied respectively in furnishing necessary equipments music and cloathing for their respective companies. Payment of exemption money by collectors; how expended.

And whereas great inconveniencies arise and have been experienced from the present mode of appointing boards of officers for the trial of delinquents in the militia and the mode of proceeding in the same. Therefore

Be it further enacted That from and after the passing of this act it shall be the duty of the commandants of regiments to institute regimental courts martial within their respective regiments as often as it shall be found necessary who shall from time to time convene at such place and at such times as the commanding officer of the regiment shall Regimental courts martial.

direct to the president of each of which courts martial all returns of delinquents from the said regiments shall be made which president shall direct the delinquents on a day and at a place certain to be summoned to appear before the said court and to shew cause why the fines incurred by them should not be levied and it shall be in the discretion of such court to cause the fines to be levied in manner aforesaid either in the whole or mitigated in their discretion or remitted and for such as the said court shall direct to be levied warrants shall issue in manner as is directed in and by the act to organize the militia of this State.

Oaths of
members.

And be it further enacted That a regimental court martial shall consist of not less than three nor more than five commissioned officers the president of each court marshal shall before the said court proceeds on the duties assigned them administer to each member and each member is hereby directed to take the following oath. "You do swear that you will well and truly try and determine according to evidence the matter now depending between the people of the State of New York and the person and persons to be tried and you do further swear that you will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the said court unless required to give evidence thereof by a court of justice in a due course of law" which oath shall be taken by the president of each of the said courts martial before he enters upon the duties of his office for which purpose he shall appear before one of the justices of the peace of the said county where he resides which justice is hereby required to administer the aforesaid oath to such president without receiving any fee or reward for the same.

Power of
president.

And be it further enacted That the president of each of the said regimental courts martial shall have the like power as the president of a court martial has in and by the third section of the act herein before recited to be amended relative to sending for witnesses administering to them the usual oath and the same penalty shall be incurred by witnesses for their non attendance.

Fines, how
disposed of

And be it further enacted That all monies arising from fines on delinquents in a regiment when collected shall be paid to the paymaster of the regiment to be by him paid to the person appointed by the brigadier general for the purpose of receiving all fines levied and collected within the limits of the brigade with whom it shall be the duty of such paymaster receiving such fines once in every year to account for the same.

Compensa-
tion of
members.

And be it further enacted That the president and each member of the regimental court martial to be appointed as aforesaid while on that duty shall retain out of the fines as aforesaid the sum of ten shillings per day if a sufficiency shall be collected and the president of such court is hereby authorized to make such allowance to the non commissioned officers attending the said court as a compensation for their services as shall be reasonable.

CHAP. 69.

AN ACT for the further direction of the commissioners of the land office and for other purposes therein mentioned.

PASSED the 11th of April, 1796.

WHEREAS in each of the towns in the tract commonly called the military tract, one lot was reserved for the support of the gospel and schools, one other lot for the promoting of literature and four other lots for certain purposes specified in the act entitled "An act to appropriate the lands set apart to the use of the troops of the line of this State lately serving in the army of the United States and for other purposes therein mentioned," but as the lots for the two first above mentioned purposes, have not been particularly designated. Therefore Preamble.

* IV. *Be it enacted by the People of the State of New York represented in Senate and Assembly,* That the surveyor general shall and he is hereby directed without delay, to certify to the supervisors of Onondaga, the numbers of the lots in each of the towns in the military tract which have been reserved in conformity to the act last mentioned; and it shall and may be lawful for the said supervisors and they are hereby enjoined at their next annual meeting to designate which lot in each of the said towns shall be appropriated to the support of the gospel and schools in the same town, and which lot in each of the said towns shall be appropriated for promoting literature, and having so designated, shall cause three separate lists, specifying in each list the numbers of all the lots intended for the support of the gospel and schools and the numbers of the lots intended for promoting literature, annexing to the number of each lot the town in which it is situate, and having subscribed such list with their hands and affixed their seals, shall file one of them in the office of the clerk of the county of Onondaga, transmit one of them to the office of the secretary of this State to be filed in the said offices respectively, there to remain as public records, and shall cause the third list to be delivered to the surveyor general without delay; and the lots in each town designated on such lists as intended for the support of the gospel and schools, and the lots in each town designated on such lists as intended for promoting of literature shall thenceforth be and they are hereby appropriated for the purposes severally aforesaid. Designation of lots for gospel and schools and for promoting literature.

And whereas the other four lots reserved in each of the said towns were intended to make up for certain deficiencies specified in the act last aforesaid, but no time being limited when such deficiencies if any there be, occasioned by either of the causes in the said act mentioned should be ascertained. Therefore

V. *Be it further enacted* That no deficiency in any of the lots in the said military tract shall be compensated, unless the same exceeds fifty acres, nor shall any compensation be made to any proprietor of any of the said lots so deficient as aforesaid, unless the proprietor thereof shall on or before the first day of January which will be in the year one thousand seven hundred and ninety eight, apply to the surveyor general to have the same ascertained, who on every such application shall cause a survey to be made of the premises by a surveyor thereunto by him deputed, who shall make return under oath, and every such survey shall be performed at the expence of the applicant, who shall previous Deficiencies in lots, how compensated.

thereto, deposit in the hands of the surveyor general the sum of twenty dollars for every lot to be surveyed which money he shall apply to defray the charge and expence of such survey, and return the overplus if any there be, to the person having deposited the same; and to the end, that adequate notice may be given to all persons claiming such compensation as aforesaid, the surveyor general is hereby enjoined to cause this section of this act to be published for three months in the present year, and for a like term in the next year in the newspaper printed by the printer of this State.

Compensation lands, how laid out.

VI. *And be it further enacted* That when the surveyor general shall have ascertained, that any person is entitled to compensation in conformity to the next preceding section of this act, whether such compensation arises from the deficiency or otherwise, in one or more lots, he shall lay out the compensation out of any of the reserved lots, and in squares or as nearly so as local circumstances will permit, and shall certify to the commissioners aforesaid on what lot or lots the deficiencies have arisen, specifying the quantity in each, and which certificate shall contain such a description of the lands to be granted in compensation as that the same may be inserted in the letters patent for granting the same, and such certificate being filed in the office of the secretary of this State, the said commissioners shall thereupon cause letters patent to pass to the person or persons entitled to such deficiency.

Galen and Sterling, how laid out.

VII. *And be it further enacted* That the townships of Galen and Sterling, part of the military tract, shall be surveyed and laid into lots in the manner the other townships in the said tract were by law directed to be laid into lots, but only one lot shall be reserved for the support of the gospel and schools, and be designated as such, and one other lot adjoining to the former for promoting literature and designated as such, and the grantee of any lot in either of the said towns, shall previous to his obtaining a grant, pay into the treasury the sum of six dollars in compensation of the expence of the survey thereof.

Letters patent to purchasers from the surveyor-general.

VIII. *And be it further enacted*, That it shall be lawful for the commissioners of the land office to cause letters patent to be issued to the purchasers of the lands in the county of Onondaga sold by the surveyor general, upon their paying the purchase money with lawful interest from the time it ought to have been paid, at any time before the first day of January next; and in all cases where letters patent are to be issued for lands sold or located by any law of this State, it shall be lawful for the commissioners of the land office to cause the same to be issued in the name of the person entitled to the land thereby to be granted.

And whereas the making a map of this State, and of the bounds of the several counties and towns within the same, has heretofore been enjoined on the surveyor general, but no adequate provision having been made in the premises. Therefore

Records of boundaries of towns and counties.

IX. *Be it further enacted*, That the supervisors of the several counties within this State, the supervisor and clerk of each town thereof respectively, and the clerk of each county are hereby enjoined to deliver to the surveyor general, or to his order, all and every document, other than such as may be filed therein as records and copies of such records in their respective possession, relative to the bounds of the several counties and towns within this State, to the end that he may be the better enabled to form and compleat such map, and if after having received such documents, he shall deem it necessary to ascertain from actual survey, the bounds of any and every county within this State, he shall cause proper surveys thereof to be made at the expence of the people of this State.

And whereas it is represented, that the surveyor general has been necessarily prevented from making certain returns of surveys of lands, so that letters patent for the same could not be obtained within the time limited by law. Therefore

X. *Be it further enacted*, That it shall be lawful for the commissioners of the land office, at any time before the first day of March next, to grant letters patent for any lands for which they might have granted the same since the thirtieth day of March one thousand seven hundred and ninety five; and that the persons entitled to the same be allowed at any time previously to perform the conditions respectively enjoined on them by law.

Time extended for making certain grants.

XI. *And be it further enacted*, That in every case where a location has been made in virtue of any law of this State and the person having made the same shall neglect to procure the title which the surveyor general is legally authorized to give him until the first day of March next, and also in every case, where a location as aforesaid shall hereafter be made, and the person making the same shall neglect to procure the title as aforesaid within one year thereafter, such locations shall be null and void, and the person or persons having made the same be debarred of the rights which they might have by virtue thereof.

Certain locations to be void.

XII. *And be it further enacted* That whenever it shall be necessary to authenticate by oath, any business to be done by any person under the superintendence or direction of the surveyor general, such oath may be administered either by himself or by any public officer authorized to administer oaths.

Administering of oaths.

XIII. *And be it further enacted* That the second section of the act entitled "An act further to amend an act entitled "an act for the speedy sale of the confiscated and forfeited estates within this State and for other purposes therein mentioned" shall be and hereby is repealed.

Part of act recited repealed.

CHAP. 70.

AN ACT for the relief of the examiner in chancery.

PASSED the 11th of April, 1796.

Be it enacted by the People of the State of New York, represented in Senate and Assembly, that instead of the present allowance to the examiner in chancery for taking the examination of every deponent, he shall be entitled, for taking the examination, to one shilling and sixpence for each sheet containing ninety words, and for making a fair copy thereof for the witness to sign, nine pence for each sheet containing ninety words, and for copies of all depositions and exhibits for parties nine pence for each sheet containing ninety words.

Fees of examiner in chancery.

And be it further enacted That this act shall continue and be in force until the last day of February which will be in the year of our Lord one thousand seven hundred and ninety eight and no longer.

How long to be in force.

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